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Of The

CANADIAN ASSOCIATION

OF

UNIVERSITY TEACHERS

Report on the Crowe Case

VOLUME 7 NUMBER 3
JANUARY 1959

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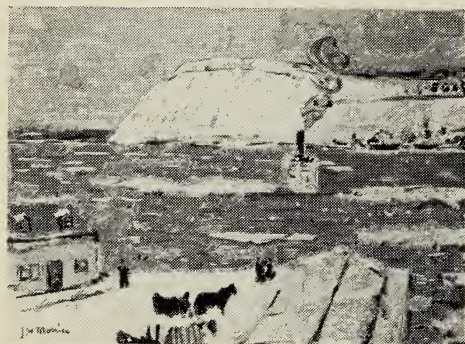
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THE CANADIAN ASSOCIATION OF UNIVERSITY TEACHERS

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**EDITORIAL
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F. S. HOWES, *Editor-in-Chief*
J. W. BOYES
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THE NATURE OF THE CROWE REPORT

Editorial

The report of the CAUT Committee of investigation into the dismissal of Professor Crowe marks an important stage in the development of the teaching profession in Canada. Not until the CAUT came into being was there any national body capable of speaking for university teachers on so grave a matter. The CAUT consists primarily of persons engaged in teaching and research, and thus speaks for teachers as no one else can.

It is important to understand not only what the Committee set out to do, but also what it did not set out to do. Essentially it was a fact-finding committee, investigating a situation of great complexity on behalf of the CAUT Executive Council. At no time, as the Report makes clear, did it attempt to act as a conciliation board in an industrial dispute (the suggestion was rightly condemned) or as a judge or arbitrator with power to dispose finally of the issues between the parties. What it did do, when the facts were ascertained, was to evaluate them to determine to what extent issues of academic freedom and tenure were involved, and, in the light of the findings, to make recommendations for action. Naturally, both Professor Crowe and the United College were invited to participate, and in so far as possible, despite the formal withdrawal of the College representatives at the last minute, the Committee heard both sides. On this substantial evidence the CAUT decided to endorse the Report and to issue it to the interested parties, to its own membership and to the Press.

The purposes of this enquiry were twofold. The first was to lend the weight of the Association to Professor Crowe in his difficult position if it were found — as it was found — that he had been unjustly dismissed. The second and no less important purpose was, by defining the issues and stating certain principles of right academic behaviour, to strengthen the concept of academic freedom throughout Canada. Injustice to one professor is injustice to all, and a proper defence in one instance increases the security of all. It is to be hoped that, whatever the outcome of this unhappy incident, the concepts of academic freedom and tenure, and of the teacher's essential role in the community, will be more fully understood within and without the profession. Every teacher in Canada owes a debt of gratitude to the two members of the Committee who conducted this difficult assignment with such thoroughness and dignity.

REPORT OF THE INVESTIGATION BY THE COMMITTEE OF THE CANADIAN ASSOCIATION OF UNIVERSITY TEACHERS INTO THE DISMISSAL OF PROFESSOR H. S. CROWE BY UNITED COLLEGE, WINNIPEG, MANITOBA

The undersigned, members of the Committee appointed by the Canadian Association of University Teachers to conduct an inquiry into the dismissal of Professor H. S. Crowe by United College, Winnipeg, Manitoba, submit herewith this report of their investigation. The report is divided into sections numbered and headed as follows:

1. Establishment and Preliminary Proceedings of the Committee
2. Relation of Principal Lockhart and the Board of Regents to the Committee and Its Proceedings
3. Procedure of the Committee and Appearances Before It.
4. Documents: Explanation of Appendices
5. Action of the Board of Regents Precipitating Investigation by the C.A.U.T.
6. Background of the Action of the Board of Regents
7. Principal Issues
8. Professor Crowe's Dismissal, Protection of Private Communications and Academic Freedom
9. Security of Tenure in Universities and Colleges
10. Conclusions

1. Establishment and Preliminary Proceedings of the Committee

On July 18, 1958, Professor B. N. Kropp, Acting Secretary of the Queen's Faculty Association, forwarded to Professor C. L. Barber, President of the Canadian Association of University Teachers, (hereinafter referred to as C.A.U.T.) a copy of resolutions passed by the Executive of the Queen's Faculty Association on July 16, with the request that the resolutions be presented to the executive of the C.A.U.T. "for any action that group may wish to take."

The Queen's resolutions were:

"that this executive resolves to refer to the executive of the CAUT for investigation, the case of Mr. Harry S. Crowe versus the United College, Winnipeg, because of the possibility that issues of academic tenure may be involved.

"that, if after investigation the CAUT find that principles of academic tenure have indeed been infringed, further appropriate steps be considered. Among such steps the CAUT may wish to consider the following:

- "1. Make strong representations to the College and the Board of Regents.
- "2. Failing satisfactory action, give full publicity throughout the Association to the facts of the case.
- "3. If, after representations have been made, it appears that legal action by Mr. Crowe may be required to defend principles of academic tenure, CAUT consider Association support for such legal action."

The executive officers of the C.A.U.T. met and after lengthy consideration decided that the C.A.U.T. should act. A committee was appointed on July 31 and on the same date Principal Lockhart was so notified by letter, and a state-

ment went forward to members of the Executive Council of the C.A.U.T. advising them of the action and soliciting their comments and suggestions. The Committee comprised:

Vernon C. Fowke, Professor of Economics, University of Saskatchewan (chairman);

Martin W. Johns, Professor of Physics, McMaster University;

David Slater, Associate Professor of Economics, Queen's University.

Professor Barbers's letter of appointment, dated July 31, contained the following directive:

"Without restricting your power to make any investigation you may think wise, I would suggest the following terms of reference for the committee:

- "1. That the committee investigate carefully all relevant circumstances surrounding Professor Crowe's dismissal and attempt to determine to what extent issues of academic freedom and tenure are involved.
- "2. That in the light of its findings the committee make any recommendations for action it may think appropriate.
- "3. That the report be presented to the November Council meeting by the Chairman or some member of the Committee, if completed by that time.
- "4. That a factual report be made to the executive officers in time, if this is possible without prejudice to the thoroughness of the investigation, to permit its circulation to members of the Executive Council of C.A.U.T. in advance of the November Council meeting."

In advising Principal Lockhart of the appointment of the Committee Professor Barber expressed confidence that, in the long-run interests of the College, the committee could count on the Principal's full co-operation in its task. He stated that normally in a matter of this kind the executive officers of the C.A.U.T. would conduct initial inquiries and interview members of the College administration but that the officers of C.A.U.T. were all currently members of the faculty of the University of Manitoba and it was therefore felt to be advisable not to involve any of them in the matter in order to avoid any suggestion of possible bias.

Principal Lockhart replied from Baysville, Ontario, on August 9, acknowledging that the question of Professor Crowe's relationship to United College had been before the Board of Regents of the College for some time and expressing confidence that the Board would be willing to meet with any properly constituted committee of the C.A.U.T. to discuss the facts of the situation. In his view it would be important that the Board should know whether the request for an investigation had come from the United College "branch" of C.A.U.T. and, if not, whether the matter had been cleared with this "branch", the United College Association. He asked Professor Barber to advise the Chairman of the Board of Regents, Mr. Allan H. Watson, with regard to these points and indicated that Mr. Watson had already seen Professor Barber's letter. "You may rest assured", concluded Principal Lockhart, "that we will do everything within our power to co-operate with your Association. We only wish to be sure that the investigation is carried out with the knowledge and support of our own section of your organization."

On August 17, Professor Barber wrote to Mr. Watson indicating that the request for an investigation had come from the executive officers of the Queen's Faculty Association of which Professor Crowe had been a member during the

past year and that the United College Association had been advised of the appointment of the Committee. He pointed out, however, that while their approval had been invited, the executive of the local association had not been pressed to take a stand on the matter because of his belief that members of a local association ought not to be urged to take action which might be interpreted by some of them as an implied criticism of their administration and which "would be likely to lead to internal dissension and a disruption of the effectiveness of the staff in their regular duties of scholarship, teaching, and research."

Mr. Watson replied by letter on August 20 (Document No. 37), challenging Professor Barber's reasoning regarding the position of a local faculty association in such matters but indicating that this difference of opinion did not detract in any way from the assurance that the Board would co-operate fully with the Committee. In conclusion his letter raised the question of credentials and indicated what, in this category, the Board regarded as prerequisite to the commencement of the investigation.

In the meantime, on August 11, Professor Slater informed the chairman of the Committee that he had written to Professor Barber offering to withdraw from the investigation if there could be any doubt about the propriety of his membership on the Committee. On August 27 Mr. Watson wrote to Professor Barber protesting the document entitled "Provisional Statement of Facts Respecting the Dismissal of Harry Crowe by United College, Winnipeg, Manitoba," which Professor Barber had sent to members of the Executive Council of the C.A.U.T. and members of the investigating Committee on July 31, and a copy of which had come into Principal Lockhart's hands and had been communicated to Mr. Watson. The latter challenged the propriety of including Professor Slater in the investigating Committee on the ground that, as a member of the Association of which Professor Crowe had been a member during the past year and from which the request came for an investigation, it should not be assumed Professor Slater would be an impartial and objective observer. On August 28 Professor Barber wrote to Professor Slater, referring to Mr. Watson's letter of the 27th, and asked him to withdraw from the Committee.

In his letter of August 27 Mr. Watson stated that the circulation of the "Provisional Statement of Facts" by Professor Barber had taken away all and every assurance that the Board of Regents was entitled to have that the investigation would proceed in an impartial and objective fashion. To offset this alleged effect he stated that Professor Barber ought to issue a retraction of the description of the document as a "statement of facts" (although clearly qualified as provisional). Professor Barber invited Mr. Watson to prepare a statement which he would forward to the persons to whom he had sent the original "Provisional Statement of Facts." A copy of a statement prepared in answer to this invitation and entitled "Statement by the Board of Regents of United College pertaining to the document entitled 'Provisional Statement of Facts Respecting the Dismissal of Harry Crowe by United College, Winnipeg, Manitoba' circulated by Professor C. L. Barber, President, C.A.U.T.," was received by the chairman of the Committee in a letter from Professor Barber dated September 26.

Neither the "Provisional Statement of Facts" nor the Board's "Statement" by way of correction has been a source of information to the Committee. The primary documents available to the Committee speak for themselves.

Dispersal of the parties and uncertainties concerning procedure retarded but did not halt action by the Committee during August. Information received from Professor Barber toward the end of August indicated an increasing likelihood that Professor Crowe would return to United College for the academic year commencing September 1. When it became known after September 1 that Professor Crowe had returned to Winnipeg, had reported for duty and had apparently been accepted, it was felt that the elements of greatest urgency had for the time being gone from the situation.

Nevertheless the C.A.U.T. Executive sought a replacement for Professor Slater without delay. At no time after the appointment of the investigating Committee did the C.A.U.T. Executive or the Committee itself consider that the need for investigation had been removed. On September 11 Professor Barber wired the chairman of the Committee, then in Toronto, that Professor Bora Laskin of the Faculty of Law, University of Toronto, had agreed to become a member of the Committee.

On September 14 the Committee met in Toronto and agreed on major lines of procedure. It was agreed that an investigation of the matter could not be properly conducted without on-the-spot hearings in Winnipeg at a time arranged to the mutual satisfaction of the Committee and the principal parties. It was agreed that the Committee should submit copies of the basic documents which were in its possession to Professor Crowe, Principal Lockhart and the Chairman of the Board of Regents for correction and with the request that they submit any additional documents which in their opinion were relevant to a determination of the facts of the case. It was agreed that Committee members, individually or collectively, should have no contact with any of the interested parties in the matter prior to the hearings other than by correspondence conducted by the chairman to secure correction and completion of documents and to arrange a time for the hearings. It was agreed, finally, that the hearings should be held as soon as arrangements (including the referral of documents) could be completed.

On September 19 the chairman of the Committee wrote to Mr. Watson, Principal Lockhart and Professor Crowe (following notice given to Mr. Watson by Professor Barber in a letter of September 17) to say that the re-constituted Committee was proceeding with the investigation. Letters to the same persons dated September 22 stated the intention of the Committee to hold hearings at an early date and expressed the conviction that it was of the utmost importance that the Committee have before it all relevant primary documents. With particular reference to this conviction a set of the documents already in the hands of the Committee was enclosed in each letter, with instructions that they were to be regarded as confidential, and with the request that the parties notify the chairman of the Committee of any errors and make good any omissions. (These letters are set out in Appendix B.)

On September 26, Mr. Watson, Principal Lockhart and Professor Crowe were asked by letter if October 6 would be a convenient date for the commencement of the hearings in Winnipeg. On the evening of September 30 the chairman received a telegram from Mr. Watson saying that the Board of Regents would receive the Committee on October 6. (These documents are also set out in Appendix B.)

On the same evening (September 30) the chairman of the Committee received a letter from Professor Johns reporting that while attending the meetings of the General Council of the United Church in Ottawa during the preceding two weeks he had become involved in the preliminary stages of proceedings conducted by the General Council with reference to the United College and the dismissal of Professor Crowe. He had been identified in the eastern Canadian press as a member of the C.A.U.T. investigating committee. He offered to withdraw from the Committee if it was felt that these associations might give rise to any suggestion of impairment of objectivity and impartiality.

En route to Ottawa later the same night the chairman consulted with Professor Barber in Winnipeg between planes. It was agreed that Professor Johns had been placed in a compromising position by his involvement at the meetings of the General Council of the United Church. It was also agreed that further delay in opening the hearings would be intolerable and that it would be improper to ask for a postponement of the date so recently agreed upon as mutually satisfactory to the principal parties and to the Committee. It was recognized that it would be a matter of great difficulty to find another committee member without delaying the hearings unduly. It was felt too that the Board of Regents were seized of the importance of impartiality and objectivity in committee members since they had urged the necessity of these qualities in justification of their request that Professor Slater be removed from the investigation. It was agreed that it would be possible and appropriate for two persons to complete the inquiry if, after deliberation and consultation with Professor Johns, the executive officers of C.A.U.T. should decide to ask Professor Johns to withdraw from the Committee and if in their opinion a replacement could not be secured without disruption of the arrangements agreed upon with the principal parties regarding the hearings.

Professor Barber stated that he would notify the chairman of the Committee of the decision. During the afternoon of October 3 the chairman received in Ottawa a letter from Professor Barber stating that Professor Johns had withdrawn from the Committee. The letter contained no reference to a replacement .

On consulting with Professor Barber in Winnipeg on Sunday, October 5, Professors Fowke and Laskin were directed to proceed with the hearings on the following morning as planned. In the early evening, as soon as arrangements for a place in which to meet could be arranged (Professor Laskin did not reach Winnipeg until late in the afternoon), the chairman telephoned Principal Lockhart and Professor Crowe to advise them that the investigating committee appointed by C.A.U.T. would begin its hearings at 10 o'clock on the following morning in Salon B of the Fort Garry Hotel. Efforts were made throughout the evening to reach Mr. Watson by telephone and he was finally reached before midnight. Each of the parties was advised that the Committee now comprised two members and was told briefly of the circumstances surrounding the withdrawal of Professor Johns.

2. Relation of Principal Lockhart and the Board of Regents to the Committee and Its Proceedings

While the Committee sat in Winnipeg for four days from and including Monday, October 6, 1958, its proceedings were marred, without its fault, by

the conditional appearance of Principal Lockhart and the Board of Regents (through counsel) and their withdrawal on the morning of the second day. This episode deserves a full discussion; and since it is almost completely recorded in documents filed with the Committee the proper course is to let the documents carry the treatment of this matter.

It is well to begin by pointing out that at no time did Principal Lockhart appear before the Committee. When it first convened on the morning of October 6, 1958, Mr. D. C. McGavin, a practising member of the Manitoba bar, appeared on behalf of Principal Lockhart and of the Board of Regents who were thus united in their representations to the Committee through their joint counsel. With Mr. McGavin was Mr. Allan H. Watson, chairman of the Board of Regents. Identical letters (referred to along with the correspondence in section 1 hereof) had been sent to Principal Lockhart and to Mr. Watson by the chairman of the Committee under dates of (1) September 19, 1958, advising them of the Committee's awareness that its appointment had been communicated to them by the president of the C.A.U.T. and expressing its appreciation of what it understood was an offer of full cooperation; (2) September 22, 1958, forwarding to them, under a confidential notation, copies of all documents in possession of the Committee, with an invitation to correct any errors and to supply any other documents that the Committee did not have; and (3) September 26, 1958, suggesting Monday October 6, 1958, as the date for commencement of hearings in Winnipeg and inviting concurrence or suggestions for an alternative date. (Letters to the same effect were sent to Professor Crowe). No reply to any of these letters was received from Principal Lockhart.

By a telegram sent to Professor Fowke on the evening of September 30, 1958, Mr. Watson notified the Committee that "representatives of the Board of Regents will receive you on October 6. Writing." A letter from Mr. Watson followed under date of October 1, 1958, outlining in some detail the position of the Board of Regents with respect to the Committee's proposed inquiry. A copy of this letter is annexed hereto in Appendix B. It is, we believe, a fair comment on this letter to say that it raised a question on the "credentials" of the Committee and on the propriety of its establishment; it reserved the legal rights of the Board of Regents and of Dr. Lockhart in respect of possible actions for defamation and otherwise; it dealt with the documentation and it raised certain procedural questions (which will be considered later in this report). At the forefront of the statement of its position the Board of Regents declared that "representatives of the Board will receive the Committee and will appear before it and participate in its activities, as the Board considers that if the Committee carries out a fair and objective inquiry, it can make a useful and worthwhile contribution in the present situation".

In view of subsequent occurrences, this Committee must underline that the foregoing assurance of co-operation in the work of the Committee was not the first time that cooperation and, indeed, participation, was offered. By a letter dated August 20, 1958, addressed to the president of the C.A.U.T., Mr. Watson twice gave an assurance of full cooperation in an investigation by a C.A.U.T. Committee under Professor Fowke, pointing out only the need for credentials so as to enable the Board of Regents to know to whom to look for redress if any damage should result to United College by reason

of the investigation. A copy of this letter will be found in Appendix B. By an open letter of August 26, 1958, Document No. 40, addressed to the Faculty members of United College, Mr. Watson speaking for the Board of Regents set out the Board's position on Professor Crowe's relationship with United College and in the concluding part of the letter is this paragraph: "The Board will cooperate fully in any investigation of the facts in the *Crowe* situation by any properly constituted and authorized committee of the Canadian Association of University Teachers and Professor Barber has been advised in writing to this effect. He has also been informed that we expect this matter to be properly processed through the United College Faculty Association". In a long public statement of its position dated September 20, 1958 (Document No. 46) and communicated to the press, the Board of Regents reiterated that it would "cooperate fully with any properly constituted investigating committee of the C.A.U.T. if, as or when there is an investigation", and added that it would seek assurances that the investigation, if it proceeds, would be fair and objective.

In resumé, it is clear that, excluding the telegram of September 30, there were five assurances of cooperation and participation by the Board of Regents in an investigation by a committee of the C.A.U.T., assurances given in four successive documents: There were the two assurances in the letter of August 20, 1958; an assurance in the open letter of August 26, 1958; and assurance in the public statement of September 20, 1958, and an assurance in the letter to Professor Fowke dated October 1, 1958. Principal Lockhart is not specifically associated with any of these assurances although the implication from other documents is clear enough that he had associated himself with, or was associated by the Board in their position. In response to a letter to him from Professor Barber under date of July 31, 1958, advising him of the appointment of a C.A.U.T. investigating committee, Principal Lockhart stated in a letter dated August 9, 1958 from Baysville, Ontario, that the matter of any proposed investigation was in the hands of the Board of Regents but he included an offer of his co-operation. (This letter is set out in Appendix B.) His subsequent failure to acknowledge Committee communications is, it must be assumed, properly ascribable to his deference in this matter to the Board under whose direction he placed himself. This is borne out by a telegram from Principal Lockhart to Professor Fowke under date of October 7, 1958, which was a reply to a telegram sent by the Committee to the Board of Regents and to Principal Lockhart inviting them to appear and offer evidence in accordance with their previous undertakings. In his reply, Principal Lockhart referred to his letter of August 9 and added that "I have therefore necessarily referred your telegram to representatives of the Board. I am instructed to decline the invitation extended in your telegram to me."

The circumstances attending the withdrawal of Professor Johns from the Committee have already been outlined. The withdrawal could not reasonably be communicated to Principal Lockhart and to the Board of Regents until the evening of Sunday, October 5, 1958. At the opening of hearings the next day, counsel for Principal Lockhart and the Board of Regents filed a letter dated October 6, 1958, over Mr. Watson's signature and it is reproduced in Appendix B to this report.

Following the filing of the letter with accompanying submissions in elaboration of its contents, Mr. McGavin stated that Mr. Watson and he wished an opportunity to consider with the Board of Regents the situation produced by Professor Johns' withdrawal from the Committee. An attempt would be made to have a Board conference at noon and Mr. McGavin undertook to report back to the Committee at 3 p.m. In the meantime, and under the reservations and conditions already stipulated, he was agreeable to a discussion of certain requirements of United College on credentials as set out in a memorandum then filed with the Committee, this memorandum being in supplement and extension of the points made in the letter of October 1, 1958, already referred to earlier in this section of this report; and he was agreeable too to a discussion of procedure as raised in the letter of October 1, 1958. The memorandum stipulating the requirements on credentials is annexed hereto in Appendix B.

It will suffice to say that Professor Barber who was present as an observer representing the C.A.U.T. undertook to comply with items 1 to 5 inclusive of the memorandum. Item 6 was explained by Mr. McGavin as raising the question of N.C.C.U. concern in the investigation. So far as the Committee then knew or now knows, there were and are no principles or procedure agreed upon with the N.C.C.U. regarding investigations as to academic freedom and tenure. Further, the Committee did not see that there was any relevance in the request for its views as to the propriety of making an investigation which would affect an N.C.C.U. member, but further consideration of this point was deferred pending the filing with the Committee by Mr. McGavin of a copy of a letter sent by Principal Lockhart to the president of the N.C.C.U. It may be said here that the point became moot when the Board of Regents withdrew from the proceedings the next morning. Point 7 in the memorandum was answered, in the view of the Committee, by a letter sent by Professor Barber under date of September 17, 1958, to all persons concerned informing them that the Committee had been authorized "to make a thorough investigation of the circumstance surrounding the dismissal of Professor Crowe by United College to determine whether principles of academic freedom and tenure have been infringed", and to report its findings to the executive council of the C.A.U.T. On this view, the reference in point 7 of the memorandum to s. 25(b) of the United College Act was quite immaterial. Mr. McGavin found it difficult to appreciate that there was any difference between security of tenure in the sense in which it is understood in an academic community and tenure as it is covered by the enactment which he quoted. More explicit consideration is given to this issue in sections 7 and 9 of this report below.

On point 8 of the memorandum, the Committee told Mr. McGavin that its only action would be to report to the C.A.U.T. in accordance with the terms of reference already quoted. Professor Barber, speaking for the C.A.U.T. on the point, stated that the nature of the action, if any, which would be taken by the C.A.U.T. would depend on the report which it received and on the decisions made thereon by the executive council. The Committee would like to record, in respect of points 7 and 8, of the Board of Regent's memorandum, that it supplied Mr. McGavin and Professor Crowe with a statement of its position thereon, and a copy of this statement is annexed hereto in Appendix B.

The last requirement on credentials was an affidavit from each member of the Committee as to his impartiality. Needless to say, the Committee was taken aback by this request but the members complied with it. Copies of the statutory declarations furnished to Mr. McGavin are annexed hereto in Appendix B.

Turning now to the matters raised in the letter of October 1, 1958. They included, first, a request to deal with credentials, but it is clear that this matter was disposed of as part of the consideration of the memorandum already noted in this report. There was also a request on publicity, and this was handily resolved by the Committee's own determination to conduct all proceedings in camera and to have an understanding by all concerned that testimony and submissions given and made would be for the Committee's ears only and for the purpose of its report. Another point raised by the letter of October 1 straddled points 7 and 8 in the memorandum with which this Committee has already dealt. Again, the letter of October 1 raised questions of confrontation of witnesses by interested persons and the right to counsel and to cross-examination. It will suffice to say at this point that the Committee agreed that directly interested parties, namely Principal Lockhart, the Board of Regents and Professor Crowe, could be represented by counsel and would be entitled to remain in the hearing room at all times. Witnesses, other than the parties aforementioned would be admitted to the hearing room only to give evidence and would then leave. The Committee refused to permit cross-examination by counsel but ruled that all questions would be put by the Committee members subject to permission to counsel or to the immediate parties themselves to suggest questions that should be put by the Committee. Mr. McGavin conceded that this elaboration of procedure went a long way (to use his own expression) to meet the Board of Regents' requirements in that respect.

It may be noted that the letter of October 1, 1958, referred to the United Church of Canada as a "principal" party. The Committee at no time received any intimation that the United Church so considered itself, or that it wished to appear or be represented. The Committee did permit a representative of the C.A.U.T. to be present during its proceedings and also a representative of the United College Association, but with the reservation that either or both might be asked to leave if testimony might otherwise be inhibited.

Two last requests were included in the letter of October 1: first, that the proceedings be held elsewhere than at United College. The Committee had anticipated this by convening its hearings at the Fort Garry Hotel; the second was that a satisfactory record be kept of all proceedings. The Committee advised those present that the members proposed to make and keep their own record, but it had no objection if either of the parties wishes to have a shorthand reporter present. It may be pointed out that the Committee, in its subsequent proceedings, undertook to provide certain witnesses with a transcript of its record of their testimony for their perusal and certification.

This recital of the Committee's handling of the questions touching its credentials, its terms of reference and its procedure is given at some length

in order to make it clear that the Committee had entered upon its task in the earnest desire to accommodate any manifested wish in the interests of a reasonable and fair procedure which would help to elicit all the facts without impeding the Committee in its essentially investigatory function. Professor Crowe made no demands but announced his readiness to place himself completely in the hands of the Committee.

On resumption of proceedings after 3 p.m. on Monday, October 6, Mr. McGavin appeared alone and informed the Committee that the Board of Regents was still in deliberation and that a statement of its position on participation in the proceedings of the Committee would be presented the following morning. On Tuesday morning Mr. McGavin attended with Mr. Watson and read a statement to the Committee in the presence of Professor Crowe, Professor Barber, president of the C.A.U.T., and Professor McNaught, president of the United College Association. The Statement dated October 7, 1958, and addressed to Professor Barber and to the undersigned Professors Fowke and Laskin is set out in Appendix B.

Discussion on this statement ensued, and one allegation therein was corrected by Professor Fowke who pointed out that while he was aware on September 30 of Professor Johns' participation in the United Church of Canada proceedings in Ottawa and of Professor Johns' offer to withdraw from the Committee he was not then aware of any action having been taken by the C.A.U.T. on this offer. In fact Professor Fowke did not know of the actual withdrawal until October 3 and Professor Laskin was also unaware of it until October 3, 1958 when he received a letter from Professor Barber. Since arrangements had been made in the week of September for holding hearings on October 6, and since documents had been collected and copies sent out for perusal, the C.A.U.T. was of opinion that the investigation should proceed as scheduled under the direction of a Committee of two. So far as the members of the Committee were concerned, their acceptance of the C.A.U.T.'s invitation to serve was not conditional on having any particular number or any particular associate; and they saw no reason to alter plans for the investigation in view of the degree to which they had been implemented, preferring to meet with Professor Crowe, Principal Lockhart and the Board of Regents and to proceed with the discharge of the assignment.

The Committee regrets the necessity of making some comment in this report on the Board of Regents' statement of October 7 and on the Board's consequent withdrawal. The terms of the letter and the oral submissions which followed it make it imperative that the Committee should express itself thereon. Throughout the discussion on credentials and procedure on Monday, October 6 and the discussion leading to withdrawal of the Board of Regents and of Principal Lockhart (through his counsel) on October 7, it was quite clear that Mr. McGavin was determined to treat the investigation as if it arose out of a labour relations dispute between an employer and a trade union. The concept of a University as a community of scholars, as an integrated body of civilized men and women (composed of administrative heads, teaching faculty and students) dedicated to pursuit of knowledge and development of wisdom, was completely absent from his presentation. He was less than subtle in trying to cast the members of the Committee in the role of

trade union nominees to a Board of Conciliation; and even if there was nothing else to illuminate his attitude, his request for affidavits of impartiality carries its own condemnation. This Committee cannot believe that Mr. McGavin's philosophy of a University is that of the Board of Regents. The degradation involved is the very antithesis of higher education.

The proposal of the Board of Regents for a bi-partisan five man board was obviously one which this Committee could not entertain, nor could the proposal be implemented unless the C.A.U.T. first disavowed its own Committee. This, Professor Barber said, he could not do.

There can be no pretence that investigation of Professor Crowe's dismissal could be properly made only by a C.A.U.T. committee. That, however, was the original proposal, and it was to this kind of investigation that the Board of Regents and Principal Lockhart pledged their cooperation. If there were any genuine reservation about the propriety or competence of a committee designated by the C.A.U.T., both Principal Lockhart and the Board of Regents had ample time through July, August and September to suggest an alternative or different form of proceeding. The eleventh hour proposal of a five man bi-partisan board is no less insulting in its timing than it is in its conception. The repetition in the letter of October 7 of concern, expressed also on October 6, about the proper constitution of the Committee is without meaning if the fact be (as it was) that the C.A.U.T. and no one else would establish and appoint an investigating Committee. No one connected with the situation which arose upon Professor Crowe's dismissal could have any doubt about the voluntary character of the proposed investigation, whether in the recruitment of Committee members or the cooperation of the principals or the attendance of witnesses. Principal Lockhart and the Board of Regents appreciated this only too well, as the documents detailing their promises of cooperation show. Why then the subsequent attack on credentials and constitutional propriety? The Committee could well appreciate concern and questioning about its procedure and on this it went almost the whole way in satisfying expressed wishes. It refused to countenance cross-examination for the very simple reason (which was communicated to Mr. McGavin) that it did not regard itself as presiding over an adversary proceeding. It was there to investigate and not to umpire or referee a contest in forensic skill. Yet it declared itself ready to accept suggestions for questions if it were felt that relevant inquiries had been neglected by the Committee in its conduct of the questioning.

There is one final point to be made in respect of the Board of Regents' statement of October 7. If there was as much concern about numbers by the Board of Regents as was expressed by Mr. McGavin, the C.A.U.T. could have been asked to appoint a third person, and the Committee could have been asked to adjourn its hearings until this was done. No such suggestion was made. The closest that Mr. McGavin and the Board came to it was to say that there might be no decision in a Committee of two, but with three there would be a majority. The real question, "a majority of what?" could obviously not be answered. How small a role the matter of numbers played in the Board of Regents' opposition to the present Committee is seen in that sentence of its statement of October 7 asserting its refusal to participate in the proceedings of the two-man Committee "*or any enlargement*

of the Committee consisting solely of members or appointees of the Canadian Association of University Teachers". (The underlining is that of the Committee.)

In view of the record, the withdrawal of the Board of Regents (and indeed of Principal Lockhart) is a gross breach of faith.

3. Procedure of the Committee and Appearance Before it

The wide terms of reference given to the Committee invited extensive consideration of procedure and of how best to secure attendance of persons who would be able to give relevant evidence. In view of the promises of cooperation by Professor Crowe, Principal Lockhart and the Board of Regents, the Committee felt that the presence of witnesses would be assured through their efforts. The withdrawal of Principal Lockhart and the Board of Regents obliged the Committee to take steps of its own to elicit testimony from those who had it to offer.

The discussion of procedure in the previous section of this report makes it unnecessary to go into any great detail on that subject here. The C.A.U.T. had turned over to the Committee all documents in its possession bearing on Professor Crowe's dismissal, and they were used as a source of names of persons who might be invited to appear before the Committee. In addition, the Committee invited those present at its hearings to suggest who else might be invited to testify. The Committee acted on some of the suggestions. A complete list of the names of those who offered evidence is annexed hereto as Appendix C.

Since the Committee had no power to compel attendance, all those who appeared did so voluntarily. Some persons who were invited to attend refused to do so. This applies to Principal Lockhart and to the Board of Regents who, after their withdrawal, were invited again by telegram on October 7, to honour their promises of cooperation. Several members of the Board of Regents whose names were mentioned in evidence by certain witnesses were asked by the Committee if they would like to testify, but all refused on the principle of collective responsibility. A notice of the hearings with an invitation to appear was given to each faculty member of United College through Professor Packer, the secretary of the United College Association. A few faculty members were reached personally by the Committee. Some came and testified; others refused. Among those who refused, one, Professor Gordon Blake, did so with an explanatory statement which is reproduced in Appendix B to this report. This Committee respects Professor Blake's privilege to refuse to participate in the investigation. His reason for refusal, the alleged improper constitution of the Committee, was one which this Committee could not very well accept unless it was prepared to dispute the regularity of its appointment and abdicate its function. Professor Blake's objection does not touch the issues or merits of the matter under investigation, and it seems to this Committee that he would have better served the wider and more durable interest of the academic community if he had given such evidence as he had to offer. This would not have been incompatible with his freedom to urge upon the C.A.U.T. that it had gone about the investigation of Professor Crowe's dismissal in the wrong way.

As already explained in the preceding section of this report, Professor Crowe was present during all sessions of the Committee at which evidence was taken. He himself gave evidence and supplied additional documents to those previously in the Committee's possession. Professor McNaught gave evidence and stayed as an observer for the United College Association. Professor Barber alternated with Professor G. H. Boyes, secretary of the C.A.U.T., as observer for the C.A.U.T. All others who attended at sessions of the Committee were persons who had evidence to give and they were allowed to remain only while they offered testimony. A witness was required to leave once he or she had concluded the testimony being offered. All questioning was done by members of the Committee. Its purpose, of course, was to make an investigation of the facts and not to preside over adversary litigation.

The Committee adopted a policy of "no publicity" from the time of its appointment, and it conformed to this policy rigidly throughout its proceedings. The only statement given to the press was the simple sentence that the Committee was continuing with its hearings, and this comment was necessitated by the press publicity which the Board of Regents gave to its withdrawal from the Committee's proceedings and to the reasons advanced for the withdrawal. Those present at the Committee's sessions were also cautioned that there must be no publicity, and all were told that testimony and submissions given and made to the Committee were for the ears and record of the Committee alone.

The Committee understood well enough from the outset that it would have to accept full responsibility for any legal consequences of its proceedings and of such publication of its findings as it might make. Mr. McGavin, when he was before the Committee, as counsel for Principal Lockhart and the Board of Regents took pains to emphasize their reservation of any rights of action which might flow from the Committee's proceedings, whether against the Committee or against the C.A.U.T. This was underlined by Mr. McGavin's demand for a copy of the financial statement of the C.A.U.T. None was sought of the members of the Committee. The C.A.U.T., as a voluntary unincorporated association, is not a legal person for purposes of suit and any action taken against it would normally have to be taken against its officers and members in their personal capacities.

4. Documents: Explanation of Appendices

The Committee lists below the documents which it had before it during its inquiry. They are numbered consecutively in chronological order (save for the last item), and most of them numbered 2 to 42 inclusive were submitted to Principal Lockhart, the Board of Regents and Professor Crowe in advance of and for the purpose of the oral hearings conducted by the Committee. The other numbered documents were filed with the Committee at its hearings. The numbering of the documents in this section is retained, as a matter of convenience of identification, wherever there are references to any of them in other sections of this report. Appendix A to this report reproduces not all the documents which are listed herein by number, but only those which, in the Committee's judgment, are relevant to the issues raised by its terms of reference. As is evident from the size of the Appendix, these repre-

sent a large proportion of all that were received. The Committee felt it advisable to lean in favour of comprehensiveness.

Appendix B to this report contains the texts of the documents affecting the status of this Committee, particularly those containing the representations made in that connection by the Board of Regents. Appendix C lists the names of the witnesses who appeared before the Committee. Appendix D contains a Statement of Principles on Academic Freedom and Tenure followed in American universities and colleges.

BASIC DOCUMENTS SUBMITTED TO THE COMMITTEE

1. Letter, May 9, 1950, from Principal W. C. Graham, United College, Winnipeg, to Harry S. Crowe, Winnipeg, confirming Mr. Crowe's appointment as Assistant Professor in the Department of History, United College Winnipeg, and outlining specifically the terms of the appointment.
2. Letter, March 14, 1958, from Harry S. Crowe, Queen's University, Kingston, to "Viljo" (Dr. W. A. Packer), Associate Professor of German, and Secretary of the United College Association, United College, Winnipeg.
3. Letter, April 23, 1958, from Principal Wilfred Lockhart, United College, to Professor Harry Crowe, Department of History, Queen's University.
4. Letter, May 1, 1958, from W. E. C. Harrison, Professor and Head of the Department of History, Queen's University, to Principal W. C. Lockhart, United College.
5. Letter, May 2, 1958, from James E. Wilson, Winnipeg, to Harry S. Crowe, Esq., 31 Mack Street, Kingston, Ontario.
6. Telegram, May 5, 1958, from James Wilson, Winnipeg, to Harry Crowe, 31 Mack Street, Kingston.
7. Telegram, May 8, 1958, from Harry Crowe, Kingston, to Mr. Allan H. Watson, 144 Girton Boulevard, Winnipeg.
8. Letter, May 9, 1958, from A. H. Watson, Chairman of the Board of Regents, United College, Winnipeg, to Professor H. S. Crowe, Department of History, Queen's University, Kingston.
9. Letter, May 17, 1958, from H. S. Crowe, Queen's University, to Mr. A. H. Watson, Chairman, Board of Regents, United College.
10. Letter, May 17, 1958, from H. S. Crowe, Queen's University, to Investigations Division, Post Office, Winnipeg.
11. Letter, May 23, 1958, from H. S. Crowe, Kingston, to Dr. Wilfred C. Lockhart, Principal, United College, Winnipeg.
12. Letter, May 27, 1958, from James E. Wilson, Winnipeg, to Professor Harry S. Crowe, Queen's University.
13. Letter, May 28, 1958, from Principal W. C. Lockhart, United College, Winnipeg, to Professor H. Crowe, Queen's University.
14. Letter, May 28, 1958, from R. J. McCourt for H. R. York, District Director of Postal Service, Winnipeg, to H. S. Crowe, Department of History, Queen's University.

15. Statement made by Professor Crowe to Rev. Dr. E. E. Long, General Secretary of the United Church of Canada, at a luncheon conference convened by Dr. Long at Peterborough, Ontario, June 2, 1958, and at which Rev. Dr. W. Harold Young, Secretary of the Board of Colleges and Secondary Schools of the United Church of Canada and Rev. Dr. W. F. Banister, Professor of Practical Theology, Queen's Theological College and Minister of Chalmers United Church, Kingston, and President of the Bay of Quinte Conference, were also present. A copy of this statement was given to Dr. Long at his request.
16. Letter, June 2, 1958, from Allan H. Watson, Chairman of the Board of Regents, United College, to Professor H. S. Crowe, Department of History, Queen's University.
17. Letter, June 10, 1958, from Professor H. S. Crowe, Queen's University, to Mr. Allan H. Watson, Winnipeg.
18. Letter, June 11, 1958, from James E. Wilson, Winnipeg, to Professor H. S. Crowe, Queen's University.
19. Letter, June 17, 1958, from H. R. York, District Director of Postal Service, Winnipeg, per R. J. McCourt, to Mr. H. S. Crowe, Associate Professor of History, Queen's University.
20. Letter, June 17, 1958, from Rev. W. Harold Young, Secretary, Board of Colleges and Secondary Schools, United Church of Canada, Toronto, to Professor H. S. Crowe, Queen's University, Kingston.
21. Letter, June 20, 1958, from Allan H. Watson, Chairman of the Board of Regents, United College, to Professor H. S. Crowe, Queen's University, Kingston.
22. Letter, June 26, 1958, from Professor H. S. Crowe, Queen's University, to Mr. A. H. Watson, Chairman, Board of Regents, United College, Winnipeg.
23. Letter, June 26, 1958, from Professor H. S. Crowe, Queen's University, Kingston, to Rev. W. Harold Young, Secretary, Board of College and Secondary Schools, United Church of Canada, Toronto.
24. Letter, July 4, 1958, from Allan H. Watson, Chairman, Board of Regents, United College, Winnipeg, to Professor H. S. Crowe, Queen's University, Kingston.
25. Letter, July 6, 1958, from Professor J. H. Stewart Reid, Chairman, Department of History, United College, Winnipeg, to Harry Crowe, Queen's University, Kingston.
26. Letter, July 10, 1958, from ditto to ditto.
27. Letter, morning July 11, 1958, from ditto to ditto.
28. Letter, evening, July 11, 1958, from ditto to ditto.
29. Telegram, July 15, 1958, from H. S. Crowe, Kingston, to Mr. A. H. Watson, Winnipeg.
30. Letter, July 21, 1958, from Allan H. Watson, Chairman of the Board of Regents, United College, Winnipeg, to Professor H. S. Crowe, Queen's University, Kingston.
31. Telegram, July 25, 1958, from H. S. Crowe, Kingston, to Mr. A. H. Watson, Winnipeg.

32. Letter, August 1, 1958, from Wilfred Lockhart, Principal of United College, date-lined Baysville, Ontario, to Professor Stewart Reid, United College, Winnipeg.
33. Letter, August 7, 1958, from Allan H. Watson, Chairman of the Board of Regents, United College, Winnipeg, to Professor H. S. Crowe, Queen's University, Kingston.
34. Telegram, August 14, 1958, from H. S. Crowe, Kingston, to Mr. A. H. Watson, Winnipeg.
35. Letter, August 16, 1958, from Alderman David Orlikow, M.L.A., Winnipeg, to Harry Crowe, Kingston.
36. Letter, August 18, 1958, from Allan H. Watson, Chairman of the Board of Regents, United College, Winnipeg, to Professor H. S. Crowe, Queen's University, Kingston.
37. Letter, August 20, 1958, from Allan H. Watson, Chairman of the Board of Regents, United College, Winnipeg, to Professor C. L. Barber, President C.A.U.T., Winnipeg. (This letter is reproduced in Appendix B.)
38. Telegram, August 22, 1958, from H. S. Crowe, Kingston, to Mr. A. H. Watson, Winnipeg.
39. Letter, August 25, 1958, from Allan H. Watson, Chairman of the Board of Regents, United College, to Professor H. S. Crowe, Kingston.
40. Statement, August 26, 1958, from Allan H. Watson, Chairman of the Board of Regents, United College, Winnipeg, carrying the salutation "Dear Faculty Member" and distributed to members of the faculty of United College. Appended to this statement are copies of Mr. Watson's letter to Professor Crowe dated July 4 (item 24 above), Professor Crow's telegram to Mr. Watson dated July 25 (item 31 above), and Professor Crowe's telegram to Mr. Watson dated August 14 (item 34 above), and, dated August 25, 1958, a letter (item 39) from Allan H. Watson, Chairman of the Board of Regents, United College, Winnipeg, to Professor H. S. Crowe, which was a reply to Professor Crowe's telegram of August 22, 1958.
41. Letter, August 29, 1958, from W. C. Lockhart, Principal, United College, Winnipeg, to Professor H. S. Crowe, United College, Winnipeg.
42. Memorandum, September 2, 1958, from J. H. S. Reid, Chairman of the Department of History, United College, Winnipeg, to Dean Anderson, Dean of Arts, United College.
43. Letter, September 2, 1958, from H. S. Crowe, St. James, Manitoba, to Mr. A. H. Watson, Winnipeg.
44. Letter, September 15, 1958, from Allan H. Watson, Chairman of the Board of Regents, United College, Winnipeg, to Professor Harry S. Crowe, St. James, Winnipeg, Manitoba.
45. Letter, September 15, 1958, from W. P. Fillmore, Winnipeg, to Mr. Allan H. Watson, Chairman, Board of Regents, United College, Winnipeg.
46. Statement of the Board of Regents of United College released to the press and published in the *Winnipeg Free Press*, September 20, 1958. The statement as printed in the *Winnipeg Free Press* was forwarded to the Committee by the Chairman of the Board of Regents in reply

to a request for an authentic copy of the statement as released by the Board.

47. Letter, September 22, 1958, from W. P. Fillmore, Winnipeg, to Messrs. Aikins, MacAulay & Co., Att'n. Mr. McGavin, Q.C.
48. Form of Release submitted to Professor H. S. Crowe for signature accompanying tender of compensation in lieu of notice, September 17, 1958.
49. Statement released to the press by Professor H. S. Crowe, Winnipeg, on or about September 22, 1958.
50. Letter, September 22, 1958, from J. H. Stewart Reid, Chairman, Department of History, United College, to Mr. Allan H. Watson, Chairman of the Board of Regents, United College.
51. Letter, October 6, 1958, from Peggy J. Morrison, graduate of and now registrar of United College, to Mr. Allan H. Watson, Chairman of the Board of Regents, United College; copy to Principal W. C. Lockhart.
52. Mimeographed statement entitled "Organization of the College".

5. Action of the Board of Regents Precipitating Investigation by the C.A.U.T.

Professor Crowe was twice dismissed by the Board of Regents. His first dismissal, which may be described as a deferred dismissal, was effected through a letter of July 4, 1958, in which the Board of Regents stated that Professor Crowe could return to United College for one year, if certain conditions (discussed in the following section of this report) were met, and that his employment would terminate as of August 31, 1959. (The letter of July 4, Document No. 24, is annexed hereto in Appendix A.) It was this action that prompted the C.A.U.T. to initiate an investigation, and, as already noted, the announced scheme of investigation was accepted by Principal Lockhart and the Board of Regents. The second dismissal was effected by a peremptory letter of September 15, 1958, terminating Professor Crowe's services "forthwith". This letter, Document No. 44, is annexed hereto in Appendix A. At the time of the first deferred dismissal, Professor Crowe was still in Kingston, Ontario, having gone there in the late summer of 1957 to serve as visiting professor of history at Queen's University on the invitation of that University and with the consent of the proper authorities of United College. Professor Crowe returned to Winnipeg on August 31, 1958, and the second peremptory notice of dismissal was addressed to him in Winnipeg.

The background of these dismissals, as it was developed in the documents and evidence submitted to the Committee, is treated fully in the succeeding section of this report. The purpose of the present brief references to the dismissals is to highlight the immediate reasons for the C.A.U.T. investigation and to point out, what are certainly the facts, that neither letter of dismissal informed Professor Crowe why he was being dismissed. The letter of July 4 only went so far as to say that "The Board is of the opinion that your conduct has been such that would enable it to dismiss you for cause and without notice". What that conduct was the Board did not tell Professor Crowe, nor did it elaborate the reasons for the first dismissal until

August 26, 1958 when it included them in an open letter to each faculty member of United College. This letter, Document No. 40, is in Appendix A to this report. The reasons for the second peremptory dismissal were first disclosed in a public statement given to the press under date of September 20, 1958. This statement, Document No. 46, is also in Appendix A to this report.

Not only was Professor Crowe not told by the Board of Regents, at the time of his dismissals, why he was being dismissed, but he was not told beforehand of the nature of the charges, if any, that were preferred against him. He was informed only in a letter by Principal Lockhart dated May 28, 1958 (Document No. 13), and replying to a letter of May 23, 1958 (Document No. 11) received from Professor Crowe that "since the matter of your relationship to the College is presently under consideration of the Board and will be at the direction of the Board, it will be in order for you to address any correspondence in this regard to its Chairman, Mr. A. H. Watson." By a letter of June 20, 1958 (Document No. 21), Mr. Watson in reply to a letter of June 10 from Professor Crowe, told the latter that "you have been advised that the question of your future relationship with the College is being considered by the Board. It is to be expected that a decision finalizing the matter will be made at the next meeting of the Board to be held on July 2nd. If you wish to make any further representations prior to the meeting please feel free to do so". At no time was Professor Crowe told either by Principal Lockhart or by the Board of Regents what was the fault or dereliction which precipitated the issue of possible termination of his association with United College. Professor Crowe's letters and actions showed clearly enough that he was under the impression that his security of tenure was threatened by the contents of a private letter which under date of March 14, 1958 he sent from Kingston to Professor Packer at United College in Winnipeg. This letter did not reach Professor Packer through the mails but was handed to him, opened and without its original envelope, by Principal Lockhart in the latter's office on April 16, 1958. The questions before this Committee necessitate a review of all that happened in the relationship of Professor Crowe, Principal Lockhart and the Board of Regents from the time that the letter of March 14, 1958 came into Principal Lockhart's possession. The following section of this report contains this review. It is worth noting at this point that when the Board of Regents gave reasons for Professor Crowe's deferred dismissal in the circular faculty letter of August 26, 1958 (Document No. 40), it stated categorically that "Professor Crowe's letter to Professor Packer . . . was not a factor in the Board's decision to take this action. The letter was never before the Board nor was its contents considered by it".

6. Background of the Action of the Board of Regents

At the time of his dismissals by United College, Harry S. Crowe, age 36, was Associate Professor in the Department of History of that institution. He was a graduate of the College, having completed the first four years of Arts there in 1942. He then taught public school for the summer in northern Manitoba and entered the Army later in 1942 as an Officer Cadet attached to the Winnipeg Light Infantry. Posted overseas on the Canadian Loan

Scheme to the British Army he served from the spring of 1944 until the end of the war with the Fourth Battalion of the Welsh Regiment in the 53rd Welsh Division. At the time of his discharge in 1946 he held the rank of Captain and the Military Cross.

In the year 1946-47 he completed the fifth year at the University of Manitoba and graduated with the Bachelor of Arts degree with Honours in the spring of 1947. Proceeding to graduate work he obtained the Master of Arts degree from the University of Toronto in 1948. In 1950 he completed the residence requirements for the Ph.D. at Columbia University and in 1951 took orals in Canadian History.

Professor Crowe taught at the University of Manitoba at each of the Summer School sessions from 1947 to 1950 inclusive, and as Lecturer for the regular university year, 1949-50. He was first appointed to the United College teaching staff by the Board of Regents in 1950 on the recommendation of Professor J. H. Stewart Reid, Chairman of the Department of History. This recommendation (as was the usual procedure at that time) was presented by the Chairman of the Department to the Executive of the Faculty (an advisory body consisting of the Deans and a number of appointed members and chaired by the Principal), and after approval by the executive was taken by the Principal to the Board of Regents for action. The late Rev. W. C. Graham, then Principal of United College, advised Mr. Crowe of his appointment as Assistant Professor in the Department of History effective September 1, 1950, in a letter dated May 9, 1950 (Document No. 1). It was a permanent appointment with a probationary period of one year. The probationary qualification was dissolved by renewal which took place in 1951.

Dr. Graham's letter specified the terms of the appointment and was unequivocal in stating that it was made, and, if the letter was signed and returned by the appointee, the appointment was thereby accepted by the appointee, "on the terms indicated". Professor Crowe signed and returned the original as directed.

The Rev. Dr. Graham was Principal of United College from 1938 to 1955 and was accordingly the Head of the College throughout the years when Harry Crowe attended as a student.

Professor Crowe was promoted to the rank of Associate Professor in the Department of History in 1956 after Dr. Lockhart became Principal.

For the academic year 1957-58 Professor Crowe was at Queen's University as visiting Associate Professor in the Department of History pursuant to an invitation from that University, and he was given a year's leave of absence from United College as arranged with the responsible people at the College. He remained in Kingston throughout the spring and summer of 1958 and, leaving there on or about August 26, was in Winnipeg on August 31.

It would be desirable at this point to describe the academic qualifications and experience of Principal Lockhart if it were possible for the Committee to do so. His refusal to appear, however, left the Committee with only the most fragmentary information on these points. Dr. Lockhart apparently came to

United College as Principal in 1955. He is described in the Calendar for 1958-59 as Rev. Wilfred Cornett Lockhart, M.A. (Toronto), Ph.D. (Edinburgh), D.D. (Victoria). He is said to have come from a pastoral charge in the City of Toronto (Kingsway-Lambton) and to have been Chairman of the Board of Colleges and Secondary Schools of the United Church of Canada before coming to United College. The Committee has no information on whether he held an academic position or one of administrative responsibility in an institution of higher learning at any time before coming to United College.

The Board of Regents charged by statute with the management of United College comprises the following persons:

1. Four *ex officio* members representing the United Church of Canada: The Moderator, the Chairman of the Board of Colleges and Secondary Schools, the President of Manitoba Conference, and the President of Saskatchewan Conference.
2. The Principal.
3. Twenty members appointed by the General Council of the United Church of Canada for four-year terms.
4. Eight members elected by the graduates: five from Arts and three from Theology, for four-year terms.
5. Ten members (the maximum allowed) co-opted, for four-year terms.

On April 16, 1958, Principal Lockhart's secretary told Dr. W. A. Packer, Associate Professor of German at United College and Secretary of the United College Association, that the Principal had been trying to get in touch with him for a day or so. As it was the end of term, faculty members were no longer in regular attendance at the College buildings. Dr. Packer called at the Principal's office. The Principal drew a sheet of paper from a folder on his desk, handed it to Dr. Packer and asked him if he had seen it before. Dr. Packer noted the Queen's University crest at the top and the salutation, "Dear Viljo", the latter a Finnish equivalent for his name commonly used by his colleagues at the College in addressing him. He turned the paper over and saw that it was signed "Harry". He told Principal Lockhart that he had not seen the paper before. He read the letter through and repeated that he had not seen it before.

Throughout the interview Principal Lockhart appeared to be under considerable strain. He said that this letter provided confirmation of the existence of a group of faculty members collaborating in opposition to his policies. This was a repetition of a statement made by the Principal in discussion with Dr. Packer almost exactly one year earlier when the latter had succeeded Professor Crowe in office as Secretary of the United College Association. At that time the Principal had stated that such a group existed and Dr. Packer had told him he did not believe it. Dr. Packer reiterated this view again in the interview of April 16.

In answer to an explicit or implicit inquiry as to how he came into possession of the letter, Principal Lockhart stated that it had been found in the halls of the College by a student, and further comments left Dr. Packer with the impression that it had been turned over to the Principal by a student. The Principal did not on that occasion state that the letter had come to him in the mail.

Dr. Packer assumed his own position to be that of guilt by association. He informed the Principal that he was not responsible for interpreting Professor

Crowe's opinions, that if the Principal wished to know what those opinions were, he should consult with Professor Crowe directly and that, as far as he himself was concerned, if his attitude to the College changed in any way he would tell Principal Lockhart directly.

The conversation was broken off after about half an hour by the Principal who indicated that he had a luncheon engagement. Dr. Packer immediately asked for a further conference; this was arranged for the following day. Dr. Packer took the original of the letter with him from the interview on the 16th.

Next day, April 17, Dr. Packer saw Principal Lockhart for some 15 minutes. He said that he had been trying in his own mind to account for the Principal's possession of the letter, that someone must have removed it from the basket containing mail, and after opening it sent it on to the Principal. Thereupon Principal Lockhart drew a blue envelope and a sheet of paper from a file and, handing them to Dr. Packer, remarked that the letter had reached him in the envelope with the sheet of paper also enclosed. The paper had typed on it: "Found in College Hall. We think you should read it. Some staff loyalty???" There was no signature. Dr. Packer told the Principal that on the previous day he had understood him to say that a student had found the letter and given it to him. Principal Lockhart replied that that was the only reasonable explanation. Dr. Packer stated that he would need the full details in order to report the matter to the postal authorities. Principal Lockhart said that if he reported to the postal authorities it would be on his own responsibility.

On being shown the blue envelope and the anonymous note which, the Principal stated, carried Professor Crowe's letter to him, Dr. Packer said that that confirmed his theory, that the Principal had been sent a poison pen letter for the purpose of damaging Harry Crowe. The blue envelope was stamped and postmarked Winnipeg. It was addressed with a typewriter with keys seemingly badly out of line. The address was placed so far up in the right hand corner that the cancellation stamp ran through part of it. Dr. Packer did not see any original envelope and no mention was made of any such envelope.

In the interview of April 17 Principal Lockhart said that he had received the letter 6 or 7 days before the interview of the day before, and that he had photostated the letter. In neither interview did he mention having shown the letter to anyone, or state any intention of doing so.

After the interview of April 16 with Principal Lockhart, Professor Packer went successively to the office of Dr. K.W.K. McNaught, Professor of History and Chairman of the United College Association, and to that of R. M. Stingle, Assistant Professor of English, gave each of them the letter to read, told of having received it from the Principal and outlined the nature of the interview with the Principal. Although Principal Lockhart made no reference in the interview of the 16th to having made photostatic copies of the letter, Dr. Packer expressed to Dr. McNaught on that day his suspicion that such had been done because the Principal had drawn the original letter from a file which appeared to contain photostatic materials.

On the evening of April 16, Professor Packer telephoned from Professor McNaught's house to Professor Crowe, in Kingston, to tell him of receiving his letter of March 14 from Principal Lockhart's hands in the latter's office. Professor Stingle was also present at Professor McNaught's at this time.

In this and in other communications with Professor Crowe Dr. Packer left Professor Crowe with the clear impression that it might be impossible for him (Professor Crowe) to continue at United College. When Professor Crowe received Principal Lockhart's letter of April 23 (Document No. 3), written two weeks after the time when the Principal said Professor Crowe's letter of March 14 to Professor Packer came into the Principal's hands¹ and one week after the first interview with Professor Packer, Professor Crowe interpreted it to be a request for his resignation.

Professor Crowe was convinced as early as April 16 that Principal Lockhart intended to use the contents of the March 14 letter to secure his removal from the College faculty. He established contact with friends in Winnipeg with a view to securing the good offices of some one on the spot yet not associated with the College who might effectively act as intermediary in personal interview. Colonel J. E. Wilson, Q.C., a friend of Professor Crowe, agreed to assist after telephone conversations with a Mr. Israels and with Professor Crowe. He wrote to Professor Crowe on May 2 saying he proposed to call on Principal Lockhart personally and would ask him to relinquish the copies of Professor Crowe's letter and would attempt to secure an agreement that nothing further would be done or said on the subject by either of the parties. "The main thing", he concluded in his letter, "is to put to rest any further ill will on the subject and I am hopeful that this can be done to the contentment of everyone concerned."

On calling Principal Lockhart's office, Colonel Wilson was told that the Principal was out of town and would not be available until May 7th. Meanwhile Professor Crowe wrote to Colonel Wilson indicating that he proposed to answer Principal Lockhart's letter of April 23. Colonel Wilson wired to Professor Crowe on the afternoon of May 5: "YOUR LETTER RECEIVED DO NOT WRITE LOCKHART." This directive was sent, Colonel Wilson told the Committee, because of his conviction that in the circumstances then existing, only harm could come from long-distance, impersonal communications and that he hoped to be able, acting as an intermediary in personal interview, to avert further misunderstanding and friction. He made it clear to the Committee that anything he did in attempting a resolution of the difficulties in this matter was done as an individual and not in any legal capacity, as a friend of Professor Crowe and not as a solicitor.

Colonel Wilson was at Principal Lockhart's office very early on the morning of May 7 and the two had a long, informal talk. Colonel Wilson told Principal Lockhart that he was not appearing as a solicitor or as a busybody but in the hope that the situation might be contained and the difficulties resolved informally. Principal Lockhart said that it was too late, that the matter was already on the agenda for a meeting of the Board of Regents called for the next night. He showed Colonel Wilson the anonymous letter or note which had come in the mail along with Professor Crowe's letter and a copy of the letter itself: both of these Colonel Wilson read. It was his impression from the conversation that Principal Lockhart had not shown the letter but had disclosed its tenor and significance to an extent that a meeting of the Board

¹In the statement released to the press and published in the *Winnipeg Free Press*, September 20, 1958 (Document No. 46), it was indicated that the letter was received by the Principal in an envelope postmarked Winnipeg, April 1, 1958.

of Regents seemed warranted. Colonel Wilson was not aware of any newspaper publicity prior to that time or for weeks thereafter.

Principal Lockhart assured Colonel Wilson that there was no quarrel with Professor Crowe's ability or competence as a teacher. Colonel Wilson gathered the impression that a part of the contents of the letter of March 14 was the issue.

This was the only time that Colonel Wilson saw Principal Lockhart or any official representative of the College or Board of Regents. Three members of the Board, all lawyers, called to see him unofficially a short time later and their visit will be discussed below. One of these three told another witness before this Committee, Alderman David Orlikow, M.L.A., much later and indeed after the peremptory dismissal of September 15, that Principal Lockhart had read the letter of March 14 to him and that he had advised the Principal to communicate its contents to Mr. Watson and then to "seal" the letter. There is little reason to doubt the correctness of Colonel Wilson's impression on May 7 that the nature of Professor Crowe's letter of March 14 had already been revealed to members of the Board.

On May 7 there was a special meeting of the General Faculty Council of United College, comprising all teaching members of the staff and certain *ex officio* members, summoned by formal written notice from the Principal's office and with the Principal in the Chair. The meeting was fully attended. Principal Lockhart stated that the purpose of the meeting was to discover ways of dealing with rumours that, he alleged, were circulating beyond the campus and which would ruin the Building Fund campaign, the rumours being to the effect that he was intercepting faculty members' mail. He said that the rumours could only have come from the faculty. In the course of explaining how completely false the rumours were he mentioned Professor Crowe's letter of March 14 to Professor Packer, explained that it had come to his desk without any original envelope, in an envelope addressed to him, and accompanied by an anonymous note saying that the letter had been found in College hall. He stated that he had read the letter and photostated it but had intended to take no action; he had shown it to nobody and had not intended to submit it to the Board but the rumours now forced him to do so. This would be done at a meeting to be held the next evening.

At the meeting of General Faculty Council Professors K.W.K. McNaught and J.H. Stewart Reid protested the Principal's statement that the alleged rumours could have come only from the faculty and protested too the Principal's actions regarding the letter to that date as indicated by him to the meeting, and the Principal's proposal to take the letter to the Board of Regents. Professor Reid pointed out that if the letter of March 14 were placed before the Board, Professor Crowe would be on trial and would not be present to defend himself. Principal Lockhart said he doubted if Professor Crowe would dare to return to defend the letter before the Board. Professor Reid said that, failing other representation, he as chairman of the department of which Professor Crowe was a member would represent him. Principal Lockhart indicated that he had written to Professor Crowe concerning the letter. When asked whether he had received an answer he said, no, there could be no answer. Rev. Dr. E.G.D. Freeman, then Dean of Theology, challenged Professor Packer to show good faith to the College by reading the letter: Professor Packer declined

to do so and was supported by a number of those present. Dean Freeman said that when he first read the letter he was of the opinion that any one on the faculty was duty bound to take it to the Principal.

Before the close of the meeting Principal Lockhart indicated that he would not read the letter to the Board.

Principal Lockhart telephoned Professor Reid in the evening after the meeting of the General Faculty Council and they discussed at length the propriety and wisdom of Professor Reid appearing before the Board of Regents. Principal Lockhart said he would consult and call back. He called again about one hour later to say that no useful purpose would be served by Professor Reid's presence because he had made up his mind that the letter would not be read to the Board. Professor Reid told the Committee that he inferred from the Principal's remarks at the time that the letter would not be "discussed" before the Board. He later recognized that this was an incorrect inference and that what the Principal said or meant to convey was that the letter "would not be read" before the Board.

Information communicated to Professor Crowe in Kingston by friends in Winnipeg on the evening of May 7 or during the morning of May 8 left no doubt in his mind but that the Principal was going to discuss the question of his letter of March 14 with the Board of Regents on the evening of May 8. He consulted with colleagues at Queen's on May 8 and it was agreed that it was important to try to avert a decision by the Board at its meeting that evening and, with that in view, Professor Crowe, with the advice and assistance of these colleagues, drafted a telegram and dispatched it to Mr. A. H. Watson (Document No. 7). A copy of this telegram was handed to Principal Lockhart by Professor McNaught in person before the meeting of the Board on May 8.

Professor McNaught went of his own volition to see Principal Lockhart in his office on May 8 to remonstrate with him over his actions regarding Professor Crowe's letter of March 14 and to impress upon the Principal his opinion that the proposal to place the matter before the Board of Regents could not be supported. They carried on a heated discussion lasting at least one and one-half hours. Principal Lockhart told Professor McNaught that he (Professor McNaught) had never been in a position of responsibility, that he (Principal Lockhart) might not have done what he did as a private citizen but that he represented the Church and the Board and had to do what he was doing in order to defend them. He went on to say that the letter was not the only thing; that Professor Crowe's file contained evidence to show that the College had taken severe disciplinary action against him because of his conduct while a student. Professor McNaught said that he did not believe that, and asked Principal Lockhart how he could explain the fact that the Rev. Dr. W. C. Graham who was Principal of the College when Harry Crowe was a student was also the Principal upon whose recommendation he was added to the faculty. Principal Lockhart agreed that to explain this was a problem but did not pursue the matter further.

Principal Lockhart told both Professor McNaught and Professor Reid on May 8 that he had never had any intention of taking action against Professor Crowe and did not know how Professor Crowe got the idea that he had such intent. On May 8, when Professor Crowe and his advisers in Kingston came

to the conclusion that the situation was one of urgency and forwarded a telegram to Mr. Watson in an attempt to forestall action at the Board meeting scheduled for that evening in Winnipeg, they also agreed that it would be advisable to solicit the good offices of the United Church with a view to mediation and reconciliation. Professor Crowe went to the Rev. Dr. W. F. Banister, a member of the Faculty at Queen's Theological College, minister of Chalmers United Church, Kingston, and President of the Bay of Quinte Conference of the United Church, and asked him if he would telephone the Moderator, Dr. J. S. Thomson. A telephone call brought the information that the Moderator had left for Europe. Dr. Banister then telephoned Dr. W. Harold Young, Secretary of the Board of Colleges and Secondary Schools of the United Church, to let him know why he was trying to get in touch with the Moderator. He asked Dr. Young if he knew about the matter relating to Professor Crowe. Dr. Young replied that he knew all about it. Either during this or a later telephone conversation on the same day (May 8) Dr. Banister asked Dr. Young to telephone Mr. Watson and Principal Lockhart to ask them not to come to any precipitate decision at the Board meeting scheduled for that night. The Committee does not know whether Dr. Young complied with this request.

Some time during May Principal Lockhart assured Professor Reid that he had no animus against Professor Crowe and wanted him back at the College. Professor Reid met Principal Lockhart on various occasions after May 8 and was sure that they talked about Professor Crowe but no specific incident remained in his memory. He received no report of the Board meeting of May 8, either in his official capacity as Chairman of the History Department or in any other capacity.

Professor Crowe's information about what occurred at the Board meeting of May 8 is limited to what is contained in the letter of May 9 from M. Watson (Document No. 8). This letter indicated that Professor Crowe's telegram of May 8 was read to the Board and that a postal investigation was ordered; but gave no indication whether any other correspondence was read or referred to or acted upon.

The postal authorities in Winnipeg were requested to conduct an inquiry of allegations of misdelivery or non-delivery of mail at United College and they complied. Eight letters before the Committee, dated from May 9 to June 20, 1958, dealt in whole or in part with the request and the subsequent post office report. Allowing for confusion of names in certain items of correspondence it appears that Professors Packer and Crowe and Mr. Watson were all individually in communication with the Winnipeg postal authorities with reference to an investigation concerning delivery of mail to and at United College. The report of the District Director of Postal Service forms the text of a letter from R. J. McCourt to Professor Crowe dated May 28. In summary, the investigators concluded that good delivery of the mail to the College had been effected and beyond that point their responsibility did not go.

A few days after the Board meeting of May 8 three lawyer members of the Board of Regents, Campbell Haig, Duncan Jessiman and B. Stuart Parker, called on Colonel Wilson. They made it plain that they were not representing the Board or Principal Lockhart: they had not been asked to come. There was no doubt that they were calling as a result of a Board meeting at which Pro-

fessor Crowe had been discussed but the position of the Board was not revealed. Their hope was that things might be smoothed over and the chief contribution to this end, in their view, would be for Professor Crowe to go elsewhere. They felt that if he returned to United College he might undermine confidence and would be an object of curiosity. His opinions were not very acceptable, and if he came back it would be uncomfortable. There was a clear implication in their remarks that they knew the nature of Professor Crowe's letter of March 14. Suppose that Professor Crowe did not see fit to resign, suggested Colonel Wilson; what then? As far as these men knew he would not be fired; he could return for a year if he wanted to. But it would be much better if he went elsewhere. They were sure that references would be readily available—and this was said with no suggestion of bribery but as a simple statement of fact.

Colonel Wilson had another talk subsequently with some or all of the three Board members. They were all convinced, although not in equal degree, that it would be better for all concerned including Professor Crowe if he found employment elsewhere. However, they did not doubt that he could return for a year if he wished. On June 11 Colonel Wilson wrote to Professor Crowe saying he had been in touch with Mr. Jessiman and Mr. Haig earlier in the week and hoped soon to have something definite to report but that he thought things were going to work out.

At the end of May or the first of June, Dr. E. E. Long, General Secretary of the United Church of Canada, telephoned to Professor Crowe's house in Kingston and left a message asking if Professor Crowe would lunch with him in Peterborough on June 2. Professor Crowe went to Peterborough and four persons lunched together, Doctors E. E. Long, W. Harold Young and W. F. Banister and Professor Crowe. At the luncheon Professor Crowe made a statement to Dr. Long; he spoke from a prepared manuscript while they ate and at the conclusion of the luncheon gave Dr. Long, at his request, a copy of the statement from which he had spoken (Document No. 15). He also gave Dr. Long, at his request, and for the exclusive use of Dr. Long and the Moderator, a copy of the letter of March 14 to Professor Packer.

On June 17 Dr. W. Harold Young telephoned to Professor Crowe with certain suggestions and on Professor Crowe's request wrote on the same day in confirmation of the points which he wished to convey. In the letter (Document No. 20) Dr. Young stated that he had long conversations with Principal Lockhart the preceding night, that he was informed that there was a strong sentiment in the Board of Regents of United College favouring severance of Professor Crowe's connection with the College, and that the matter had been held in abeyance on Principal Lockhart's representations. Dr. Young suggested to Professor Crowe that he (Professor Crowe) inform Principal Lockhart by an early letter what, in Dr. Young's recollection, Professor Crowe had stated verbally to him a fortnight before in Peterborough, that is, that it was Professor Crowe's desire and intention to return to United College for the year 1958-59 and to secure employment elsewhere at the end of that academic year. Dr. Young stated his conviction that Principal Lockhart was prepared to support an arrangement permitting Professor Crowe to return to United College for one year if it could be understood that he intended to try to secure an appointment elsewhere thereafter. Dr. Young emphasized that he was not asking Professor Crowe to submit a resignation but only a written statement of intention to leave.

Professor Crowe replied to Dr. Young by letter of June 26 (Document No. 23) indicating, in effect, that his own recollection of what he had said in Peterborough differed from that outlined by Dr. Young in his letter of June 17.

Three letters comprise the total correspondence between Principal Lockhart and Professor Crowe prior to the Board meeting of July 2. Principal Lockhart's letter of April 23 (Document No. 3) which Professor Crowe interpreted as a request for his resignation has already been referred to, as has also the fact that Colonel Wilson advised against reply by wire of May 5. Eventually Professor Crowe replied, by letter of May 23 (Document No. 11), expressing regret at the interpretation which Principal Lockhart had placed upon the letter of March 14 and stating his opinion that Principal Lockhart's conclusions were incorrect, and asking for the photostatic copies of the letter. Principal Lockhart replied on May 28 (Document No. 13) that Professor Crowe's letter of May 23 had been placed before the Board of Regents, and advising that further correspondence should be addressed to Mr. Watson, Chairman of the Board of Regents, since that body was considering Professor Crowe's relationship to the College.

This was the first official intimation that Professor Crowe received that his status as a member of United College was under review.

Three other letters complete the correspondence which passed between Professor Crowe and any official representative of United College prior to July 2. Professor Crowe wrote to Mr. Watson on June 10 (Document No. 17) pursuant to Principal Lockhart's directive; Mr. Watson replied on June 20 (Document No. 21) to say that the Board of Regents expected to decide Professor Crowe's future relationship with the College on July 2 and inviting further representations; and, finally, Professor Crowe wrote to Mr. Watson on June 26 (Document No. 22).

The Board of Regents dismissed Professor Crowe for the first time on July 2, 1958. The decision taken at the Board meeting on the evening of that day was communicated to Professor Crowe by the Chairman of the Board in a letter dated July 4, postmarked July 7 and received in Kingston on July 9. Professor Crowe was not present at the meeting nor was he asked to appear before the Board at any time. Professor J. H. S. Reid, Chairman of the Department of History, asked permission from Principal Lockhart to attend the Board meeting of July 2 after receiving a telegram from Professor Crowe requesting him to do so. Principal Lockhart consulted with Mr. Watson and said Professor Reid might appear and make a brief statement. Professor Reid said that he wanted to do more than that since Professor Crowe had already submitted a letter, and he wished to be present when Professor Crowe's future was under discussion. At dinner time, July 2, Principal Lockhart telephoned and agreed to a lengthier appearance.

Professor Reid was summoned very soon after the commencement of the Board meeting and was introduced by Mr. Watson who said Professor Reid was there to make a statement on behalf of Professor Crowe. Professor Reid said that he was not there on behalf of Professor Crowe as his position was already on the record. He pointed out that he had not read Professor Crowe's letter of March 14 to Professor Packer and had refused to do so. Mr. Watson said no one in the room except Principal Lockhart had read the letter. Professor Reid said he had sought permission to come to the meeting because as Chairman

of the History Department he did not wish to see his department wrecked; because he believed that the dismissal of Professor Crowe would lead to overwhelming condemnation on the part of academic people all over Canada; because, if Professor Crowe were dismissed, it would not be on account of inefficiency but only as a result of alleged opinions the evidence of which should not be in their hands; and, finally, because, having given ten years of service to the College, he felt it to be of the utmost importance that every effort be made to retain and recruit high quality teachers, rather than to drive them away.

There followed at least forty minutes of rapid-fire discussion directed primarily toward the ascertainment of Professor Reid's views about the reasonableness or otherwise of dismissal for criticism, for possible lack of sympathy with the aims of an institution, or for alleged incompatibility; and his opinion as to the nature of tenure in an institution of higher learning. One member of the Board put to Professor Reid what he (the Board member) described as the key question: If Professor Reid had a vacancy in his department tomorrow, would he recommend the appointment of Professor Crowe? Professor Reid said he could think of no one he would rather have than Professor Crowe.

Another member of the Board is reported by Professor Reid to have said twice that the thing he could not countenance or forgive was the reflection on two dead men. Professor Reid said he did not know what this person was talking about. Mr. Watson said again that no one but Principal Lockhart had seen Professor Crowe's letter of March 14.

Further reference to Professor Reid's appearance at the Board meeting of July 2 is made in section 8 of this report.

Professor Reid left the meeting after asking if he might be advised of the decision of the Board. He was told that this would be considered but that in any case Professor Crowe would be notified the following morning.

On July 3 Professor Reid met the Rev. Dr. Fred J. Douglas, a member of the Board of Regents who had been at the Board meeting on the evening of July 2. Dr. Douglas told Professor Reid that he would be happy to know that the Board had decided to take his advice. The sentiment of the Board, he said, was that they had a perfect right to dismiss Professor Crowe but that they were not going to do it. The Board had been impressed, he said, by Professor Reid's presentation.

Professor Reid wrote to Professor Crowe on July 6 saying that he assumed Professor Crowe would have heard from the Board by this time, that the unofficial word was that while the Board insisted they had the right to fire him, they were not going to do it. On July 10 he wrote again saying he was sure that Professor Crowe would have heard from the Board by this time, and that Mr. Watson had telephoned the night before (July 9) to apologize for the fact that Professor Reid had not been advised of the Board's decision. Mr. Watson had concluded the telephone conversation, however, without imparting any specific information about the Board's decision.

Later in the day (July 10) Professor Reid received a letter from Professor Crowe enclosing a copy of Mr. Watson's dismissal letter of July 4 to Professor Crowe which Professor Crowe had finally received on July 9. Professor Reid telephoned to Dr. Douglas but did not reach him until evening. When he

finally got in touch with him he read to him the operative paragraphs of Mr. Watson's letter to Professor Crowe and asked him how he could reconcile them with the information he had given to the effect that Professor Crowe was not to be dismissed. Dr. Douglas appeared to be amazed. He offered to telephone Mr. Watson. The next morning, July 11, he called back and suggested that Professor Reid telephone Mr. Watson himself.

Professor Reid obtained an interview with Mr. Watson the same day (July 11) and talked with him in his office for at least an hour. He told Mr. Watson that he had been told unofficially that the Board had decided not to dismiss Professor Crowe. Mr. Watson said that that was right. How then, asked Professor Reid, could he account for the operative clauses in the letter of July 4 to Professor Crowe? No business man, replied Mr. Watson, would regard the terms of the letter as dismissal; no business man would dismiss with a year's notice. Since a year's notice had been given, Professor Crowe would return and many things could happen. Mr. Watson believed it likely that by the end of the year Professor Crowe and Principal Lockhart would be in agreement again. Mr. Watson asked Professor Reid what, in his opinion, the Board should have done on July 2. "Absolutely nothing," Professor Reid replied. "What should be done now?" asked Mr. Watson. Professor Reid suggested that Mr. Watson write to Professor Crowe, ask for the return of the letter of July 4, and start over again; or advise Professor Crowe that the letter did not constitute dismissal. Mr. Watson said he was not instructed by the Board to do either of these things and that the Board could not be reconvened. Mr. Watson suggested that Professor Reid advise Professor Crowe to write expressing his intention to return to the College, his surprise at any reference to termination of service on August 31, 1959, and his hope to have the opportunity to discuss the whole matter with Mr. Watson on his return. Professor Reid said he would communicate this suggestion to Professor Crowe but could not undertake to advise him to accept it.

Professor Reid wrote to Professor Crowe later in the day (July 11) and reported his conversation with Mr. Watson.

Communications between Professor Crowe and Mr. Watson during July and August were (as before) entirely by letters and telegrams the texts of which are reproduced in Appendix A. Principal Lockhart had no communication with Professor Crowe during July and August. His letter of August 29 (Document No. 41) was handed to Professor Crowe in the College on September 2 after Professor Crowe's return to Winnipeg.

Mr. Watson's letter of July 4 notified Professor Crowe of the termination of his services in the College as of August 31, 1959. This much was clear. The letter also, however, extended permission to Professor Crowe to return for one year starting September 1, 1958, on condition that he notify the Board in writing by July 25 that he was returning at the same salary and on the same conditions as in 1956-57, the year before he went on leave of absence. Professor Crowe's salary as Associate Professor before he went on leave was \$5,300, an amount well above the minimum for the rank at that time. Meanwhile, general salary increases had been granted in the College and the salary schedule had advanced to the extent that the range for Associate Professors was \$6,000 to \$6,500. Professor Crowe, assuming that Mr. Watson's letter of July 4 meant what it obviously appeared to mean on this point, i.e., that he

was being offered the privilege of returning for one year at the same salary he had in 1956-57, well below the new minimum for his rank, concluded that he was dismissed and was being offered a new one-year contract at the reduced level. He sought clarification of the Board's salary proposal in a telegram to Mr. Watson, dated July 15 (Document No. 29). Mr. Watson replied by letter of July 21 (Document No. 30) saying that his letter of July 4 meant simply that Professor Crowe's salary when he reported for duty would be the same as when he left. He went on to list a set of factors which, he stated, normally governed salary increments, and concluded with the statement that there was nothing in the correspondence to prevent Professor Crowe from discussing his salary for 1958-59 when he returned.

On July 25 Professor Crowe sent a telegram to Mr. Watson (Document No. 31) saying that Mr. Watson's letters of July 4 and 21 constituted termination of employment without notice and the offer of a new contract for one year at a salary below the minimum for his rank, and this he declined to accept. There followed an inter-change of letters and telegrams, all of which are reproduced in Appendix A; a letter from Mr. Watson to Professor Crowe dated August 7 (Document No. 33); a telegram from Professor Crowe to Mr. Watson, dated August 14 (Document No. 34); a letter from Mr. Watson to Professor Crowe, dated August 18 (Document No. 36); a telegram from Professor Crowe to Mr. Watson, dated August 22 (Document No. 38); and finally, a letter from Mr. Watson to Professor Crowe, dated August 25 (Document No. 39), the original sent to Professor Crowe and a copy released by Mr. Watson and attached to Document No. 40.

Under date of August 26, Mr. Watson, acting on instructions from the Board of Regents, released a mimeographed, personally-signed statement to members of the Faculty of United College which purported to outline recent developments in the relationship between Professor Crowe and the College (Document No. 40). This semi-public document contained the first and only explanation made by or for the Board of Regents or any representative of the College in justification of the dismissal action taken by the Board on July 2. According to this statement the letter of March 14 to Professor Packer was not a factor in the Board's decision; instead it was Professor Crowe's attitude to the College, the Board and the Principal as reflected in his communications and actions in the situation.

A copy of this mimeographed release was sent to Professor Crowe along with the other members of the Faculty. Being addressed to Kingston late in August, it necessarily followed him back to Winnipeg and reached him on September 3. This was the only statement ever seen by Professor Crowe (except for items in the newspapers) which purported to explain the actions taken by the Board of Regents with reference to his status as a member of the United College Faculty.

Professor Crowe returned to Winnipeg on August 31 and reported to Professor Reid, Chairman of the History Department at the College. He stated that he was reporting for duty according to the terms of his continuing employment and had entered into no arrangement in modification of such employment. Professor Reid put his statement into writing and submitted it as notification to the late Dr. O. T. Anderson, Dean of Arts (Document No. 42). Later in the day, while still in the College, Professor Crowe was handed a letter from

Dr. Lockhart written August 29 (Document No. 41) asking him to telephone Mr. Watson and indicate that he was back at the College. Principal Lockhart expressed regret at being absent from the city and said he would look forward to seeing Professor Crowe on his return. Professor Crowe telephoned to Mr. Watson's office as directed and on learning that Mr. Watson was out for the remainder of the day, wrote him a letter (September 2) saying that he had reported for duty with reservation of all rights of his employment as Associate Professor (Document No. 43).

On September 3 Professor Crowe received a telephone call from Mr. W. D. G. Runions, Bursar of United College, who stated that Mr. Watson would like him to be at his office downtown at 4 o'clock that afternoon. Professor Crowe said he would be there and that Professor Reid, Chairman of the History Department, would accompany him. When they arrived at Mr. Watson's office, Mr. Watson said that Mr. Campbell Haig of the Board of Regents would soon be along. The latter came in and the four were present for the interview: Messrs. Watson and Haig, and Professors Reid and Crowe. The substance of the exchanges which had taken place between Mr. Watson and Professor Crowe from July 2 onward was restated. Most of the subsequent discussion related to salary. Professor Reid's impression of the discussion was that the proposal was to pay Professor Crowe the same dollar salary as he had been paid in 1956-57, before he went on leave of absence. Professor Crowe gathered that Mr. Haig and Mr. Watson were prepared to accept him for duty for the year starting September 1 at the salary of an associate professor. There was discussion whether Professor Crowe's request was for \$6,000, the minimum for an associate professor as at September 1, 1958, or for an amount as far above \$6,000 as was accorded to other associate professors whose salaries, like Professor Crowe's had been \$5,300 in 1956-57. Professor Crowe admitted that if their suggestion was to pay him \$6,000 and no more, there was nothing he could do about it. A second question raised by Mr. Haig was whether, if they paid Professor Crowe a salary of \$6,000, he would accept the Board's right to dismiss him at the end of the year. Professor Crowe replied that if they paid him a salary of \$6,000 they would have converted his dismissal and the offer of a new contract, as put forward in Mr. Watson's letter of July 4, into a year's notice of dismissal. He said, and Professor Reid agreed, that if this was the Board's decision nothing could be done to prevent it. The conversation regarding salaries ended on this note.

When Professor Crowe left this meeting on September 3 his firm expectation was that he would be back at United College for the year starting September 1, 1958, at a salary of at least \$6,000, but not for longer than the one year. He went home and began to prepare his lectures.

Professor Crowe had no further meetings or conversations or telephone communications with Mr. Watson or any official of the Board or College until September 15. On that date a representative of the legal firm of which Mr. McGavin is a member served Professor Crowe with notice of summary dismissal by letter (Document No. 44) handed to him at his house. The information was known almost simultaneously at United College as was made clear by a telephone call received from the College by Professor Crowe within two hours of the formal serving of notice. A copy of the notice of dismissal was on Professor Reid's desk by the evening of September 15 in a sealed envelope and with the notation, "For your information", signed "W. C. Lockhart".

In conjunction with its notice of summary dismissal the Board of Regents offered Professor Crowe the compensation to which he would be legally entitled in lieu of notice. Legal advice placed this at \$6,000, the minimum amount which Professor Crowe would have received for a year's service as associate professor (Document No. 45). The Board issued cheques to Professor Crowe and the Receiver General of Canada totalling \$6,000 on September 17 and forwarded the cheque for Professor Crowe to his legal advisers along with a form of release for signature. On being advised that the form of release covered a field much wider than compensation in lieu of notice, Professor Crowe rejected the tender and the cheque was returned, along with the form of release, to counsel for the Board on September 22 (Documents Nos. 47 and 48).

Professor Reid wrote to Mr. Watson on September 22 (Document No. 50), as Chairman of the History Department, in formal protest of the action taken against Professor Crowe. He received an acknowledgement of the letter saying that it had been read at a meeting of the Board of Regents and that its contents had been noted.

Professor Crowe had no further contact with any representative of the Board of Regents or the Principal until the morning of October 6 when he and Mr. Watson met at the hearings of this Committee.

7. Principal Issues

The interest of the C.A.U.T. in a thorough investigation of the facts attending Professor Crowe's dismissal or dismissals by United College raises for the first time in relation to a concrete case (so far as this Committee is aware) the question of applicable standards for judging the propriety of the treatment of a faculty member by a university or college administration. The C.A.U.T. has not yet adopted a defined policy on academic freedom and tenure, nor does it have any code of procedural standards which might be put forward for acceptance by universities and colleges in Canada. This Committee has no intention of formulating either a complete statement of principles on academic freedom and tenure, or a complete code of procedure which ought to govern faculty discipline proceedings. Such action might be within the broad terms of reference, but the Committee prefers to regard those terms as involving a particular consideration of academic freedom and tenure in the context of a particular set of facts. This particularity does not exclude the establishment of a frame of reference for those facts; indeed, it is obviously demanded.

In assessing the conduct and treatment of Professor Crowe against a postulate of academic freedom and tenure and against a conception of procedural fairness, this Committee is not, of course, limited to the purely legal relations of Professor Crowe and United College. The common law and statute law governing university or college employment cannot be the sole measure of academic freedom and tenure or of procedural fairness in discipline of faculty members.

The Committee has already referred to the United College Act, 1938 (Man.), c. 80, which provides in section 25 for the appointment of all professors and lecturers by the Board of Regents. The statute stipulates that tenure, unless otherwise provided, shall be during the pleasure of the Board. While rejecting any suggestion that this provision governs academic tenure as it is understood in the university community, the Committee would also draw attention to the

terms of the contract which Professor Crowe accepted on being appointed to the staff of United College by the late Principal Graham in a letter of May 9, 1950 (Document No. 1). The first term of the contract was expressed by the Principal (who is by statute chief executive officer of the Board of Regents) in the following words:

"Your appointment will date from September 1, 1950, and will be for one year, subject to renewal at the end of that time if there is mutual satisfaction. The position to which you are being appointed is a permanent position, but all new appointments are made on the basis of a year's probation".

The appointment was renewed and it accordingly became "permanent". The Committee will not presume to determine the legal significance of such a status. For present purposes, it reinforces the Committee's own appreciation that even the most elementary understanding of security of academic tenure excludes arbitrary dismissal without just cause and without prior opportunity to know and to meet charges on which the dismissal purports to be founded. In assessing just cause, some understanding of academic freedom is necessarily involved. Cause for dismissal which is a denial of academic freedom cannot be just cause.

What has been written above fixes for this Committee the issues which must be dealt with in the light of the facts surrounding Professor Crowe's dismissal. He was entitled to continuous employment as a faculty member of United College subject only to termination for just or proper cause and there cannot be just cause in a ground of dismissal which violates academic freedom. His security of tenure, while vulnerable if just cause for dismissal be shown, entitled him to prior notice of charges with a fair opportunity to be heard either personally or through a chosen adviser before condemnation by the governing body of United College. Annexed to this report as Appendix D is a statement of principles on academic freedom and tenure agreed upon in 1940 by representatives of the American Association of University Professors and the Association of American Colleges, and officially endorsed by these associations in 1941.

8. Professor Crowe's Dismissal, Protection of Private Communications and Academic Freedom

Professor Crowe's dismissal was in no way related to his ability and competence as a teacher and professor of history. By direct evidence from the head of his department, he is an outstanding teacher and historian, and a similar testimonial to his ability and capacity was given by Professor Harrison, head of the department of history at Queen's University where Professor Crowe was a visiting professor in the academic year 1957-58. Professor Reid, head of the history department at United College for the past eleven years, testified that at no time had he made or received a complaint about Professor Crowe. It was on his recommendation that Professor Crowe had been appointed to the staff of United College in 1950 as an assistant professor by the late Principal Graham. It was on Principal's Lockhart's recommendation that Professor Crowe was promoted to the rank of associate professor in 1956. Professor Crowe's evidence was that he had not received any complaints about his conduct from Principal Lockhart before the incidents involved in this investigation.

Professor Reid was not consulted about Professor Crowe's impending dismissal and learned of the threat to his security of tenure only on May 7 at the open General Faculty Council meeting called and addressed by Principal Lockhart. Reference to this meeting has been made in section 6 of this report. This

Committee cannot say whether or not Principal Lockhart recommended Professor Crowe's dismissal on either of the two occasions on which he was dismissed. It did not have the advantage of testimony from the Principal nor do the documents in the case disclose whether he played an active part in the dismissal proceedings. Clearly, however, he precipitated them by the manner in which he dealt with Professor Crowe's private letter to Professor Packer after it fell into his hands. The Committee is satisfied on the evidence before it, which has been recited at some length, that Principal Lockhart disclosed the contents of the letter to others before the first deferred dismissal effected under the Board's letter of July 4 (Document No. 24). The evidence shows that Dr. Freeman, then Dean of Theology, claimed to have read the letter, and that Mr. Watson and Mr. Campbell Haig of the Board of Regents had seen either the actual letter, or a photostat made by Principal Lockhart, or were made aware by the latter of the contents of the private communication. It could reasonably have been expected that the chief executive officer of United College would, at least in the first instance, deal with Professor Crowe personally and demand an explanation of the letter, if he felt that an explanation was owing, while respecting in the meantime the privacy of a communication to which he was not entitled. This Principal Lockhart saw fit not to do; and the course he took cannot be explained by any annoyance he may have felt at Professor Crowe's delay in answering the letter of April 23 (Document No. 3). Before he wrote that letter to Professor Crowe, he had already photostated the private letter. This Committee cannot fix the exact date when he first communicated its contents or showed it to others (that is, to persons other than Professor Packer), but the evidence points to a date before May 7; and it may be recalled that Principal Lockhart admitted to Professor Packer that he had the letter about a week before calling Professor Packer in on April 16 to talk about it. He did not up to that time even contemplate informing the Post Office about the unusual circumstance of receiving in the mail a letter to which, clearly, he was not entitled, and made the response that "it will be on your own responsibility" when Professor Packer, quite properly, told the Principal that the Post Office must be informed.

Principal Lockhart was not to be deterred, even by the friendly intervention of Colonel J. E. Wilson, from throwing the matter into formal reference to the Board of Regents and from making it, again without a first attempt at private composition, the centre of attraction at a General Faculty Council meeting. Indeed, Colonel Wilson's evidence showed that the Principal had, before May 7, put the matter in issue before the Board of Regents of which he is, *ex officio*, a member.

The course taken by Professor Lockhart as of May 7 establishes without any doubt that the only thing then in issue was the contents of Professor Crowe's private letter to Professor Packer. Professor Crowe had been advised by Colonel Wilson on May 5 (Document No. 6) not to send a proposed letter to Principal Lockhart whom Colonel Wilson was going to see. It was only after the General Faculty Council meeting and when Professor Crowe learned of the publicity given by the Principal to his receipt of the letter and to the photostating thereof and learned also of the Principal's submission of the matter to the Board of Regents, that Professor Crowe remonstrated and propounded his legal rights to the chairman of the Board of Regents (Document No. 7). Professor Crowe followed this by answering Principal Lockhart's letter of

April 23 and protesting the latter's conclusions about the private letter (Document No. 11). The Principal's reply that the matter of Professor Crowe's relationship to United College was already under consideration by the Board and referring him to Mr. Watson so far as further representations and correspondence were concerned (Document No. 13) underlines again that it was the private letter and Dr. Lockhart's handling thereof that was made by him and by the Board of Regents the principal issue in Professor Crowe's relationship to United College.

There is thus a decided unreality in the published reasons for Professor Crowe's first dismissal as disclosed for the first time in the Board's open letter of August 26 to the Faculty (Document No. 40). The Committee accepts the statement in this letter of August 26 that Professor Crowe's private letter was not before the Board at its dismissal meeting of July 2. (The letter had been given to Professor Packer but the Committee assumes that none of Principal Lockhart's photostats were before the Board.) The Committee cannot agree, on the evidence before it, with the further statement by the Board of Regents (Documents No. 40) that the private letter was not a factor in the dismissal nor were its contents considered by the Board. Some members knew of the contents, and Professor Reid's evidence of what occurred when he appeared before the Board at its July 2 meeting leaves no doubt that the contents of the letter were very much to the fore. According to Professor Reid, one of the members of the Board of Regents said that what he could not forgive about the letter was the reference to dead men. Mr. Watson asked Professor Reid some questions which were to the following effect: If the Board could not dismiss Professor Crowe as a person who was critical of the administration and not sympathetic to the aims of the College, what grounds were there then for dismissal? Was not incompatibility with the Principal a proper ground of dismissal? Did Professor Reid think that Professor Crowe had any future at United College? How could there be any future for Professor Crowe if there was an unbridgeable gulf between him and Principal Lockhart? Professor Reid replied that harmony does not come by having every person sing the same note and that if incompatibility were a proper ground of dismissal, there would be many dismissals. He agreed that on the view taken by Mr. Watson there was no future for Professor Crowe at United College. Mr. Watson's questions are in themselves a more eloquent commentary on his attitude to academic freedom than anything this Committee could say about it.

The Committee finds it difficult to understand why the reasons for dismissal (as set out in Document No. 40) could not be given to Professor Crowe in the dismissal letter of July 4 (Document No. 24). Of even more significance is the failure of the Board to give Professor Crowe previous notice of the nature of the charges against him if it be the fact that the first dismissal was for the reasons later given. (The lawyer members of the Board at least would understand the compelling propriety of such a course.) It is desirable to set out the reasons for dismissal which were as follows:

What the Board has had under consideration has been Professor Crowe's expressed attitudes to the College, the Board and the Principal as reflected in his communications to the Principal and the Board and his actions pertaining thereto. He has attempted to intimidate the Principal and the Board by threats of legal and other action and by public denouncement. He has imputed improper and false motives to the Principal and has made accusations against him of distortion and grotesqueness, deliberately misrepresenting the facts to accomplish

this end. The intemperate tone of his communications to the Board, the Principal and the Church as represented by the Board of Colleges and Schools, reflects an aggressive belligerency that appears to make any long term relationship between himself and the College impossible.

It is obvious that they refer to Professor Crowe's audacity in protesting an invasion of privacy and violation of what he conceived to be his legal rights, as well as protesting possible adverse use of the contents of the letter based on conclusions which he declared were unfounded. These protests are underlined in Documents Nos. 7, 11, 17 and 22 of Appendix A, documents which ought reasonably to have suggested to both Principal Lockhart and the Board that a hearing to give an opportunity for explanations was in order. Far from giving Professor Crowe either a hearing or previous notice of the charges which were to be aired against him in his absence, the Board dismissed him without giving him any reasons (see Document No. 24), and some seven weeks later announced to his teaching colleagues in language already quoted, that he was dismissed for protesting what he considered to be a misuse and misconstruction by Principal Lockhart of a private letter.

That Principal Lockhart violated privacy without justification is clear on the record. Whether he misconstrued the private letter cannot be answered with definiteness any more than the Committee can say that he was correct in the construction that he did put on it. This was an issue which could only be resolved, and above all in an academic community, by confrontation, by seeking or requiring an explanation. Persons in academic life are well aware that words do not always illuminate thoughts; that the reader may easily miss the point made by the writer, in a public communication. How much more likely then is misconstruction where there is intrusion, even though initially unintentional as here, upon a private communication.

The Board of Regents' expressed reasons for the first deferred dismissal make it clear that it saw no impropriety in Dr. Lockhart's retention, disclosure and photostating of a private letter, without prior permission of or notice to the writer or addressee, and on the other hand it saw grave impropriety warranting dismissal in the writer's expression of indignation against this invasion of his privacy. The matter goes even deeper because Professor Crowe's second, peremptory dismissal on September 15, again without previous notice and without reasons given him at the time, was subsequently justified in a statement to the press as based on the contents of his private letter. Thus, the Board of Regents, at a time when it well knew that issue had been taken with Dr. Lockhart's construction of the letter, found either in that construction or in their own estimate warrant for dismissal. A professor of some length of service was thus unceremoniously discharged for a private expression of opinion which he was given no opportunity to explain and which should not have been before the Board of Regents at all, or certainly not without a previous conference between Dr. Lockhart and Professor Crowe.

The central question at this point is whether the dismissals of Professor Crowe have any relation to academic freedom. In the Committee's view, both the first deferred dismissal and the second peremptory one, having regard to the reasons given in each case, involve a trespass on academic freedom and involve as well an unjustified invasion of the privacy of personal communication in the manner in which the affair was handled by Principal Lockhart and

by the Board of Regents. The relation of the dismissals to security of tenure is considered in the succeeding section of this report.

The privilege of a teacher in a university or college to utter and publish opinions in the course of teaching and research and to exchange opinions with faculty colleagues without liability to official censure or discipline is the commonly understood substance of academic freedom. This Committee intends no exhaustive definition. It recognizes too that particular institutions may require some kinds of conformity which, if agreed to by a teacher, would amount to acceptance of a limitation on academic freedom as otherwise generally understood. Normally it would be expected that any limitations should be clearly expressed and understood at the outset by both teachers and institution. Failure to stipulate or define limitations would warrant a teacher, at least in an arts faculty, in believing that he enjoys the academic freedom which has been traditionally associated with Canadian universities and colleges.

United College is by its constituent Act (1938 (Man.), c. 80) "a body corporate and politic for the education of youth and the promotion of knowledge according to the principles of the Christian religion" (section 3); and by section 44 the Act is to be deemed a "public Act", and hence presumably deemed to be known in all its terms by the public at large. The Committee is not disposed to say that the Act itself establishes an a priori limitation on academic freedom as it is commonly understood; but, assuming that it does, the actions of Principal Lockhart and of the Board of Regents in this case cannot be brought within the cover of the Act.

Academic freedom would be vulnerable indeed if its limits depended on the interpretation placed by a college administration on the remarks of a member of the academic staff. Academic people may say things which are not understood by the administration. Indeed, it is no part of the function of a professor to speak only in accents familiar to the administration. For a man to be discharged on the basis of an interpretation of his remarks made by the administration would create a situation fraught with peril for academic freedom. To find a discharge made in the face of a remonstrance by the teacher that he has been misunderstood, and without being afforded an opportunity of explanation, makes the offence against academic freedom grave indeed. This is what happened in the instant case.

The Committee does not propose to dwell on the invasion of privacy of personal communication involved in Professor Crowe's dismissal. The facts speak for themselves. From an academic standpoint, the situation here might be regarded as one where Principal Lockhart accidentally overheard Professor Crowe speaking to Professor Packer in the terms expressed in the letter of March 14; and as one where the Principal put his own construction on Professor Crowe's remarks and reported both the remarks and his construction to the Board of Regents. Viewed on this basis, the situation is shorn of the more distasteful aspects of the actual invasion of privacy which occurred. But it exhibits in no less grave a fashion the violation of academic freedom which it represents.

The Committee may say, quite candidly, that it gave long consideration to the question whether it should include or append Professor Crowe's private letter to this report. The letter was disclosed to the Committee, and, of course,

a number of other persons have already seen it. Its contents are well known to Principal Lockhart and to the Board of Regents. It may be urged, accordingly, that there can no longer be any pretence of privacy and that, moreover, disclosure of its contents is necessary to give an objective basis to any conclusions on the justness or otherwise of Professor Crowe's final dismissal.

If the Committee felt that the contents of the letter were directly material to the issues of academic freedom and security of tenure which are the reference points of its inquiry, it would agree unreservedly that the letter should be reproduced as part of its report. The contents of the letter are not, however, central to the matters under inquiry. What the evidence before this Committee shows is, first, that improper use was made of a private letter and, secondly, that action had been taken in the wake of this use without any opportunity given to offer an explanation and with foreknowledge that the construction put on the letter was challenged. The Committee does not appreciate that these issues touch the nature of the contents of the letter. On the contrary, if in these circumstances it gave publicity to the letter it would be, without justification, making further inroads upon privacy of personal communication. This much can be said by way of reference to the tenor of what Professor Crowe wrote. It is stale enough and safe enough, even for churchmen, to deplore religious hypocrisy or to doubt whether devotion to religious principle in words is satisfactory if there is no manifestation of the devotion in action in the world in which we live. Association of persons, both living and dead, with propositions of this kind rises to no greater enormity than would be present in writing a book or reviewing one. This Committee asserts again that it does not purport to make any finding on what Professor Crowe meant. That could have been determined easily enough, by asking him. Even in an academic institution that requires conformity there should be some respect, as a prelude to punitive action, for elementary courtesies (calling at least for personal confrontation) and for principles of natural justice which demand that no person be condemned without specification of charges and without an opportunity to meet them. The denial of these precepts is grave enough in any circumstances. But it is graver when the occasion of denial is an objection to a private professorial opinion and the objection is enforced by the ultimate economic sanction of dismissal.

9. Security of Tenure in Universities and Colleges

Academic freedom and tenure are not mutually exclusive either as ideas or as realities and they cannot be analysed in separation. Much of what has already been said in defining the essential attributes of academic freedom and in describing its impairment in the present case is equally relevant with reference to academic tenure. The Committee is convinced that the following basic postulates are not open to serious question: that academic freedom and security of tenure are neither ends in themselves nor the exactions of special privilege but merely conditions indispensable for the performance of the purposes of higher education; that the search for truth which is the central purpose of institutions of higher learning cannot prosper without freedom of inquiry and expression; and finally, that security of tenure is prerequisite to academic freedom. The immediate relevant consequences of these propositions are, first, that control over tenure is in equal measure control over academic freedom and, second, that adverse adjustments of tenure arbitrarily applied to a member or members of an academic community, or action which creates the semblance of

likelihood that such adjustments might seriously be entertained, cannot but jeopardize if not completely destroy any assurance that the authorities of the institution in question hold academic freedom in high esteem. These elementary principles serve to illuminate for the Committee the most significant of the tenure aspects of the case under review.

As already pointed out Professor Crowe held a permanent appointment at the time of his dismissal. This is specific in the documents, but as mentioned in section 7 above the Committee does not presume to assess the legal aspects of this status. The simple explanation of this position is the conviction that teaching and research groups of stature, capable of creative scholarship and instruction on a broad front, are not recruited and maintained by careful legal definition of individual status or by meticulous observance of legal rights and limitations. The charters of Canadian universities and colleges strongly suggest an intention to create institutions in the pattern of the modern business corporation, with supreme governing bodies—governors or regents rather than directors—exercising rights as employers, at pleasure, over teachers and research workers to be regarded as employees. It is only infrequently that scholars find it necessary to repudiate this conception for it is seldom that it finds expression in Canadian practice. Teachers and research workers as the operative part of a university or college are not regarded as hired men and women either by faculties or administrations throughout the Canadian academic world. The employer-employee, boss and hired hand, relationship is not accepted as an appropriate analogy for the treatment of faculty by the governing boards of Canadian universities and colleges. To search the law as one might in a labour-relations case would do little to clarify the points of significance in the circumstances under review.

Recognizing the impropriety of a legalistic approach to tenure in cases of this kind the Committee nevertheless found it necessary and not difficult to determine minimum standards of treatment which Professor Crowe might reasonably have expected from United College. As a permanent appointee he had passed through and beyond the probationary period, not marginally either in time or in quality of service. When dismissed on a deferred basis in July, 1958, he was completing his eighth year with the College, his seventh after probation. He had been promoted from assistant to associate professor after six years of employment, a space of time which in itself is convincing testimony that his services had proven satisfactory. All relevant evidence confirms this as well. Recapitulating for the particular instance the general principles outlined in section 7 above, Professor Crowe, as a permanent member of United College, might properly have regarded himself immune from arbitrary dismissal although remaining subject to dismissal for just cause; he might properly have assumed that no ground for dismissal which violated academic freedom could constitute just cause; and, finally, he had the right to expect that no adverse modification of his status would be effected without prior notice of the alleged cause and the opportunity to appear to answer to charges specified against him.

As pointed out in section 7, the cause for Professor Crowe's dismissal as alleged by the Board of Regents in the press release of September 20 can not be regarded as just cause because it involved an impairment of academic freedom. Inadequacies of procedure touched on briefly in the same section require fuller elaboration and emphasis at this point because they relate more specifically to security of tenure.

Professor Crowe was not notified at any time of reasons why or how the Board of Regents came to regard him as unsuitable to continue as a teacher in United College. This statement summarizes the glaring and wholly unjustifiable disregard of elementary canons of tenure displayed by the administration of United College in dealing with a member of the permanent faculty.

The Board of Regents issued two *post facto* statements of cause for the dismissals of Professor Crowe: one in the open mimeographed letter sent by Mr. Watson to the faculty of United College on August 26 (Document No. 40), and the second in the press release of September 20 (Document No. 46). The first of these purported to explain the deferred dismissal of July 2 and a copy of the letter was addressed to Professor Crowe as a member of the College faculty. The press release informed the public at large about the peremptory dismissal of September 15. One direct personal communication to Professor Crowe, and one only, seemed to carry some intimation of the reason for official displeasure. This was Principal Lockhart's letter of April 23 (Document No. 3). It left Professor Crowe with the definite impression that his status in United College was in jeopardy because of some of the things he had said in his private letter to Professor Packer. "Your letter [to Professor Packer]," said the Principal, "is a profoundly disturbing document. After reading it I have had to regretfully come to the conclusion that personally you have no sympathy with the avowed purposes of the College, and that you have no respect for or loyalty to the administration." This, of course, did not constitute an official statement of cause for subsequent action and it was not intended as such. More than two weeks later, immediately prior to the Board meeting of May 8, Principal Lockhart assured Professors Reid and McNaught that no action against Professor Crowe had ever been contemplated. Yet, at the end of May, Professor Crowe learned through a parenthetical reference in a second letter from the Principal (Document No. 13) that his status in the College was under official review; this was confirmed by the Chairman of the Board on June 20 in a letter (Document No. 21) indicating that final decision was to be taken on July 2 and inviting "further representations", but with no reference whatsoever to cause. Mr. Watson's letter of July 4 (Document No. 24) informed Professor Crowe of deferred dismissal, saying "The Board is of the opinion that your conduct has been such that would enable it to dismiss you for cause and without notice": but neither this nor any subsequent letter gave the slightest hint of what this conduct was.

The Committee was uncertain whether to pay any serious attention to the reasons for the deferred dismissal of July 2 as alleged in open letter to the United College faculty on August 26. The letter cannot be regarded as a statement of cause for it was not directed to Professor Crowe except that he was on the mailing list as a member of the College faculty, and, in any case, the letter was dated nearly two months *after* the dismissal which it purported to explain. It has been made abundantly clear to the Committee, however, that many people including some of Professor Crowe's colleagues at United College have accepted the letter of August 26 as a true and fair representation and are judging the Board's actions accordingly — this regardless of the fact that Professor Crowe had no opportunity at any time to reply to the allegations contained therein.

Anticipating the possibility that the accusations contained in Mr. Watson's letter of August 26 might require assessment (the crucial paragraph is reproduced in section 8 above), and aware that a random and fortuitous selection of the communications referred to would be worse than useless, the Committee prepared the confidential file of documents in its possession as referred to in section 1 above and forwarded copies to each of the principal parties — Principal Lockhart, Mr. Watson and Professor Crowe — in advance of the hearings and with the request that errors and omissions be called to the Committee's attention. Principal Lockhart made no reply to this request but Mr. Watson (under general formal reservation of the right to submit other documents at any time) forwarded two additional items: one, a letter to Professor Barber concerning procedural matters (this is referred to in Appendix B), and a second, a photostatic copy of a letter from the postal authorities in Winnipeg to Professor Crowe. Neither of these is relevant here. Professor Crowe submitted additional documents to the Committee at the hearings.

The Committee is satisfied that it has before it the communications referred to in Mr. Watson's letter of August 26 (Document No. 40) and they are incorporated in Appendix A in order that members of the executive of the C.A.U.T. may judge for themselves the truth or falsity of the various accusations including those of "aggressive belligerency" and "intemperate tone" and of attempts at intimidation, etc. The communications, already referred to in section 6 in the context of developments and actions, are as follows: telegram to Mr. Watson, May 8 (Documents No. 7); letter to Mr. Watson, May 17 (Document No. 9); letter to Principal Lockhart, May 23 (Document No. 11); letter to Mr. Watson, June 10 (Document No. 17); and letter to Mr. Watson, June 26 (Document No. 22). Communications to officials of the United Church of Canada, also placed in context in section 6, are the statement made to Dr E. E. Long, General Secretary of the United Church, on June 2 (Document No. 15); and the letter to Dr. W. Harold Young, Secretary of the Board of Colleges and Secondary Schools, United Church of Canada, dated June 26 (Document No. 23).

The evidence is that Professor Crowe was unwilling to accept supinely and without protest a deliberately sustained invasion of privacy and the violation of what he felt to be his legal rights. The Committee is convinced that standards of treatment commonly accepted as reasonable in the Canadian university and college world do not require that scholars, research workers and university teachers refrain from protest under such circumstances for fear of being dismissed. Viewed in the full context of circumstance, the Committee can not find in the written or oral evidence any justification for the accusation that the protest expressed by Professor Crowe was intemperate or aggressively belligerent or vigorous beyond the point of reasonable firmness.

The part played by the Principal beyond the initial stages of this case calls for special comment. The Committee took it for granted that the Principal, as chief executive officer of the College and head of the faculty, would be found occupying a position of unquestioned leadership throughout this period of crisis in the affairs of the institution. Constitutional control of a university or college by an exclusively lay governing body presents obvious anomalies but the academic community readily admits that few of these are

significant provided the president or principal is able to present the academic viewpoint persuasively to the governing board and provided he accepts it as his continuous duty to do so. The Committee is compelled to report that one of the most disturbing circumstances to come to its attention in the present case has been the apparent abdication by Principal Lockhart of a position of leadership in the conduct of the dealings with Professor Crowe. Whether this took place of the Principal's own volition or on the insistence of the Board, the Committee has no way of knowing, but in the situation under review the Principal has in fact been permitted or forced to occupy the subordinate, servant-to-master role *vis-à-vis* the Board of Regents which is suggested but not prescribed by the United College Act (1938 (Man.), c. 80, s.25(b)) and which can not be regarded as tolerable for the chief executive officer of any institution of higher learning.

The tenure aspects of the present case reveal a shocking failure in human relationship. Within a period of barely three months an admittedly competent and hitherto satisfactory member of the United College faculty was reduced from a position of permanence to the offer of one additional year's employment extended as charity, and within two and one-half months more his employment was summarily ended. The Committee is prepared to believe that this break-down of relationships was neither anticipated nor deliberate on the part of any of the persons primarily concerned. Yet it was allowed to happen: and, in this as in similar circumstances in any institution of higher learning, the Principal as the responsible head of the College and faculty, must answer for it in the first instance. The Committee regarded it as one of its primary obligations in this inquiry to determine whether or not the Principal had exercised all reasonable care to prevent the original misunderstanding — regardless of how initiated or precipitated — from degenerating into the near impasse which rapidly developed.

Distance and the separation of the various parties provided a fertile basis for the initial misunderstanding in this case. The attempt to deal with the situation continuously at long range doomed any possibility of reconciliation to certain failure. This, in the opinion of the Committee, might well have been anticipated. Professor Crowe was absent from Winnipeg until August 31, engaged in appropriate academic activity and with the full consent and approval of the authorities at United College. On the emergence of a misunderstanding, regardless of its nature or cause, the responsibility of the Principal was or ought to have been clear. He should have sought an explanation immediately and directly from Professor Crowe and, failing complete satisfaction by an early mail, the next and obvious action was for him to insist on a personal interview with Professor Crowe. Principal Lockhart did neither of these things. At least two and perhaps three weeks after the letter of March 14 came into his hands, after he had photostated it and discussed it with Professor Packer and other people, he wrote to Professor Crowe expressing his regretful conclusion that Professor Crowe was out of sympathy with the purposes of the College and without respect for or loyalty to the administration, but *not* asking for an explanation or if there could be any explanation. Indeed, when asked at the meeting of the General Faculty Council two weeks later whether Professor Crowe had replied to his letter he said he did not think there could be any reply.

As the weeks passed and the situation steadily deteriorated, Principal Lockhart permitted the Board of Regents to take complete charge of the dealings with Professor Crowe and faded into the background from which he had not emerged at the time of the Committee's hearings in Winnipeg.

The Committee is satisfied that there was no insuperable obstacle to a personal meeting of Principal Lockhart and Professor Crowe or to a meeting of the Principal, the Chairman or some other responsible member of the Board of Regents, and Professor Crowe. The Committee is of the opinion that, without having insisted on, and making the arrangements for, at least one such meeting, the administration of United College cannot claim to have made reasonable efforts to compose the misunderstanding in this case.

Principal Lockhart left Winnipeg the day after the Board meeting of July 2 and spent several weeks thereafter in Montreal and Toronto on the Building Fund Campaign. The evidence suggests that he was in Toronto in mid-June and possibly in the East over the end of April and the first week in May. He had ample opportunity to arrange for a meeting with Professor Crowe at a minimum inconvenience to himself. Whether convenient, however, it was the Principal's duty to United College and to his position in United College to arrange for at least one personal interview with Professor Crowe. This assumes the existence of a genuine desire on the part of the Principal and the administration of United College to compose the differences with Professor Crowe.

As far as the Committee knows, Professor Crowe did not request an interview with the Principal or with the Chairman of the Board of Regents, but he demonstrated his willingness to assist toward a resolution of the difficulties in a variety of ways. He sought and secured the informal intervention of Mr. Wilson in Winnipeg with a view to averting further misunderstanding at the end of April or beginning of May. He informed Principal Lockhart by letter of May 23 (Document No. 11) that he regretted the Principal's interpretation of his letter to Dr. Packer and considered the interpretation incorrect and without foundation. Despite evidence pointing to the disappearance of more than one letter which he had written to colleagues at United College, Professor Crowe yielded to legal advice that, in the interests of the College, a police investigation ought to be avoided if possible (Document No. 15). He sought the intervention of the Moderator of the United Church and readily agreed to a suggestion that he travel to Peterborough for an interview with the Rev. Drs. Long and Young of the Head Office of the United Church in the absence of the Moderator in Europe.

The Committee can find no counterpart in the actions of Principal Lockhart or of the Board of Regents for the efforts put forward by Professor Crowe to try to arrest the deterioration of relationships involved in this affair.

10. Conclusions

The oral and documentary evidence offered to the Committee compels the conclusion that Principal Lockhart and the Board of Regents were respectively tactless and arbitrary in their handling of a situation which they themselves had created. Once Principal Lockhart had taken the course that

he did, retaining Professor Crowe's private letter for a week, making copies, communicating its contents and its tenor to a number of persons, speaking about it in an open General Faculty Council meeting which he himself convened, drawing in the Board of Regents, and disregarding suggestions offered for a quieter consideration of the matter, he could hardly have expected that the situation would be contained within college walls. Nor could the Board of Regents have had any reasonable expectation that their master-servant attitude to a professor of some considerable length of service, who was being disciplined in his absence, in entire disregard of elementary courtesies and of principles of natural justice, would go unchallenged or unnoticed. These conclusions stand quite apart from any substantive cause for discipline, and they necessarily mark Professor Crowe's dismissal as an unjust and unwarranted invasion of the security of academic tenure to which he was entitled.

Substantively, neither the Principal nor the Board or Regents had any tenable ground for the severe treatment of Professor Crowe. This phase of the matter has already been explored in section 8. The evidence and documents before the Committee also support the conclusion that in the view of the Board Professor Crowe was not sufficiently complaisant, not servile enough in thought and attitude to his administrative superiors. Mr. Watson's letters in reply to Professor Crowe's persistent inquiries about his salary and status following the first deferred dismissal are revealing in this respect in their tone of exasperation. The letters show (and this is emphasized by the Board of Regents' press statement of September 20, 1958, Document No. 46) that the Board considered that Professor Crowe's claim to even the minimum salary for his rank should depend on its grace which could be extended if loyalty and co-operation were exhibited as well as teaching proficiency. In so far as these letters also suggest that published minimum salary scales are not really basic minima and that salary levels, despite rank, depend on individual appraisal, they raise an issue which must be of general concern to the Faculty at United College. It is not, however, one for this Committee to pursue.

It is with regret that this Committee has had to conclude that there is discord among the Faculty members of United College. The "Crowe affair" did not create it, but undoubtedly it deepened it. Faculty members have taken sides on the matter, and the particular facts of the case have been overlaid with a call for protection of academic freedom and tenure on the one hand and for support of Principal Lockhart and United College on the other. One symptom of this discord appeared in the General Faculty Council meeting of May 7 at which a senior faculty member declared that everyone should affirm loyalty to the Principal and confidence in him. Another symptom appeared in a well-meant but abortive move in September, 1958, to secure the endorsement by Faculty members of a statement declaiming their confidence in the integrity of Principal Lockhart and announcing that, under his administration and that of his predecessors, staff members have always enjoyed full academic freedom. The Committee in no way implies that either Principal Lockhart or the Board of Regents inspired this move; it is satisfied that they did not. But the fact that a group of the Faculty felt this to be necessary at a time when one of their number had been dismissed without a hearing and without any specification of charges, and also at a time when

the C.A.U.T. had announced the appointment of an investigating committee and had been assured of the co-operation of the Board of Regents, is a mark of the condition of intra-faculty relations. The Faculty overall is a small one, being composed of about 45 active teachers in all branches of United College. The current calendar lists 54 names but not all those listed are actively engaged in teaching. Indeed, it is not much larger than the Board of Regents which consists presently of 43 persons, and smaller if one excludes the 7 persons associated with the collegiate department.

The publicity which followed Professor Crowe's dismissal could be expected to drive proponents of opposing views deeper into their trenches. Principal Lockhart exhibited the depths to which he allowed himself to go by his censure of Miss Peggy J. Morrison, Registrar of United College, who has been associated with it in an administrative capacity since 1944 and previously had been a student there. Miss Morrison testified that she wrote a letter, as a graduate of the College, to Mr. Watson (with a copy to the Principal) expressing her concern about the discharge of Professor Crowe. On October 8, at a time when the Committee was holding its hearings, Principal Lockhart came to Miss Morrison's office and remonstrated with her for writing the letter, and particularly for using "Registrar" stationery. A copy of the letter was filed with the Committee and it was signed by Miss Morrison in her personal capacity and clearly indicated that she was writing as a graduate. Principal Lockhart scolded her for not coming to him first, as a matter of courtesy and decency, to learn the facts. Her reply was that she understood that all communications on the matter were to go to the Board of Regents. Principal Lockhart said that as she did not know the facts her action was irresponsible and her conduct most peculiar. He charged that she had been asked by Professor Reid and Professor McNaught to write her letter, a charge she denied. He reminded her that he had had her promoted from assistant registrar to registrar, and stated that her letter called to his mind a story told of Winston Churchill who, when criticised by a junior official, allegedly remarked "I don't remember having done you a favour recently"; and he added to Miss Morrison, "I hope you get the full implication". Miss Morrison was told by Principal Lockhart that as Registrar she could not divorce herself from the administration without its being evidence of her lack of confidence in him and of a condemnation of the Board of Regents. This incident suggests that Principal Lockhart, no less than the Board, expected unquestioning loyalty and servility on his own terms.

The Committee takes particular note of that portion of the Board's press statement of September 20 (Document No. 46) quoting a section of the Statement of Principles on Academic Freedom and Tenure which is Appendix D to this report. No part of the quoted section has any relevance to the facts connected with Professor Crowe's dismissal. The quotation is clearly concerned with a professor's public utterances and with an understandable obligation to be accurate and restrained and not to pose as an institutional spokesman. It would have been more to the point if the Board had adverted to other sections of this Statement of Principles or if it had been attentive, in the very section that it quoted, to the admonition that when a professor speaks or writes as a citizen "he should be free from institutional censorship or discipline". This has a particular pertinence where private communications are concerned.

In summary, and conscious that some repetition is involved, the Committee's conclusions are as follows:

1. The treatment of Professor Crowe's private letter of March 14 to Professor Packer by the Principal involved an invasion of privacy which, while inadvertent in the first instance, was deliberately sustained by the Principal in that he retained the letter, neglected to report it to the postal authorities, discussed it with and revealed its contents to other persons, photostated it, made it the occasion of a special meeting of the General Faculty Council and reported it formally to the Board of Regents. The deliberate persistence in the invasion of personal privacy is an encroachment on one of the most elementary rights of a citizen, academic or otherwise, in any society in which freedom is anything but an empty word.

2. The Board of Regents gave their unqualified endorsement to this encroachment on the rights of a citizen, a member of United College and in that connection subject to their jurisdiction, by agreeing that the Principal had acted in a responsible manner as Chief Executive Officer of the College in dealing with Professor Crowe's letter. The interpretation of propriety implicit in this endorsement must be categorically rejected as unacceptable with reference to the conduct of any officer of an institution of higher learning in Canada.

3. A serious misunderstanding involving a permanent member of United College was precipitated by action of the Principal. Regardless of the source or nature of the misunderstanding, the Principal had an obvious responsibility as head of the College and of the faculty to attempt to resolve it. Having assumed the role of interested party in Professor Crowe's private correspondence, the Principal did not ask Professor Crowe for an explanation of critical remarks contained in a single letter in that correspondence or for a statement whether these remarks indicated fundamental disaffection or mere momentary irritation. He did not insist on a personal interview with Professor Crowe although he spent several weeks in central Canada within easy reach of Kingston where Professor Crowe was situated. The Principal did not make even the minimum efforts which might reasonably have been regarded as his responsibility or the responsibility of anyone in his office to compose the misunderstanding in this case.

4. The role which the Principal occupied in this incident after it had passed its early stages, whether by permission of the Board of Regents on the Principal's request or on the initiative and direction of the Board, was wholly inappropriate to his office as chief executive officer and head of the College. In the absence of information to the contrary, the Principal and the Board must bear equal responsibility for this distribution of operative authority. The academic community cannot have confidence that an administration which considers this allocation of responsibility appropriate for a time of crisis in faculty relationships has any clear appreciation of a principal's inescapable responsibility as the head of the faculty and its sole representative on an otherwise non-academic governing body. To force or to permit the principal of a university or college to occupy a position of docile subservience to the governing board is to reduce an institution of higher learning to the level of a business corporation with teachers, scholars, and research workers and the principal as well regarded merely as hired employees.

5. The procedures by which Professor Crowe was dismissed on July 2 and September 15 were arbitrary and therefore improper: (a) Professor Crowe was not informed prior to either dismissal of any action or attitude or dereliction of duty which had led the Principal or Board of Regents to conclude that he had, after eight years of satisfactory service, come to be unsuitable for membership in the United College teaching faculty; (b) Professor Crowe was not asked or directed to appear before the Principal or the Board of Regents to answer charges which might be preferred against him and which were considered sufficient, without confrontation, to warrant his dismissal; (c) Professor Crowe was not advised *after* either dismissal of the reason or reasons therefor except by open letter to the faculty of United College on August 26 with reference to the dismissal of July 2 and by press release of September 20, which purported to explain to the public the dismissal of September 15.

6. Although Professor Crowe was not confronted with the charges revealed to the faculty of United College by the Board of Regents on August 26, the Committee nevertheless made every effort to secure the evidence necessary for a determination of their validity. It is clear that Professor Crowe refused to countenance abjectly a sustained invasion of his privacy and the possibility of adverse use of a private letter the content of which he declared was taken out of context and misinterpreted. The Committee holds that Canadian scholars are not commonly or properly held in such low esteem that they must abstain from protest in such circumstances. The Committee finds, on the evidence before it, that Professor Crowe's protests were neither intemperate nor aggressively belligerent nor vigorous beyond the point of reasonable firmness. In themselves, they warranted neither dismissal nor discipline short of dismissal.

7. The Committee is struck by the unreality of the reasons for the summary dismissal of Professor Crowe given to the public by the Board of Regents in its press statement of September 20. The public were informed that Professor Crowe's attitude to religion and to his colleagues, as expressed in his letter of March 14 to Professor Packer, was incompatible with the traditions and objectives of United College, and that his reference in the letter to six faculty members, two of them deceased, overstepped the limits of decency. In consequence, the Board's statement continued, it was decided on September 9 that Professor Crowe's services with United College should be terminated forthwith. Principal Lockhart had Professor Crowe's letter early in April and its contents were known to other Board members at least as early as the first week in May; yet the letter was not regarded as sufficiently devastating or incriminating to warrant summary dismissal. The photostatic copies of the letter made by Principal Lockhart "for the Board" were continuously available at the Board's direction and could have been read to the Board at any time. There was no need in September to pursue the artificiality of receiving "from the board of colleges of the United Church" a copy of the letter which had been provided for the use of the Moderator.

The facts which are of greatest concern to the Committee, however, are, first, that the Board of Regents took a decision of crucial importance for the future of Professor Crowe, a member of the United College faculty, on what can without exaggeration be characterized as less than a shred of evidence;

and, second, that they failed to confront Professor Crowe with any charge and gave him no opportunity to speak to any charge. The Board did not suggest that there was any evidence other than the contents of the private letter of March 14 to indicate Professor Crowe's attitudes to religion or to his colleagues. The Committee would observe that the administration of United College, judged by its conduct, seems to hold the view that religious belief is so fragile that it may be shattered by a breath of criticism.

The Committee's investigation leaves it in no doubt that Professor Crowe has been a victim of injustice, violative of academic freedom and tenure. The story is the sorrier because of the attempt to associate the dismissal with protection of religious principle. Rectification of the wrong done to Professor Crowe demands that the Board of Regents invite him to resume teaching duties at the rank he had at the time of his dismissal and at a salary appropriate to that rank and sufficiently above the announced minimum for that rank to reflect Professor Crowe's merit as a teacher in the same way as did his previous salary. The offer must, of course, be associated with an assurance of academic freedom and tenure as elaborated in this report. The Committee feels that this is the simplest as well as the most direct way to bring to a conclusion an episode in the Canadian academic community which, it is to be hoped, will never be duplicated. If the offer is made as suggested, it will be for Professor Crowe to consider its acceptance. The Committee does not consider that it should make any suggestion to him on this score.

The Committee's last word must be one of thanks to all who volunteered evidence and who met the Committee's convenience in appearing before it.

Dated this 21st day of November, 1958.

V. C. Fowke, *Chairman*

Bora Laskin, *Member*

APPENDIX A

DOCUMENTS

COPY

DOCUMENT NO. 1

Mr. Harry S. Crowe,
87 Arlington Street,
WINNIPEG, Man.

May 9th, 1950

Dear Mr. Crowe:

Pursuant to our conversations during the past few days I am writing to advise you of your appointment as a member of the Faculty of United College on the following terms:

1. Your appointment will date from September 1st, 1950, and will be for one year, subject to renewal at the end of that time if there is mutual satisfaction. The position to which you are being appointed is a permanent position, but all new appointments are made on the basis of a year's probation.

2. Your rank will be Assistant-Professor in the Department of History. It will be understood, however, that should necessity arise to ask you to teach in any other field for which you are fitted, you will be ready to do so.

3. Your salary will be \$3,000.00 per annum, payable in twelve monthly instalments, commencing September 30th, 1950.

4. You will be eligible to join our Faculty retiring allowance plan at once should you wish to do so, but in case your appointment is confirmed a year hence, it will be necessary for you to begin to participate at that time in this plan. For the first year it is optional with you.

Although we have no established rules on the subject, we expect members of Faculty to be available by the 1st of September until the Annual Spring Convocation of the University. Should you wish to absent yourself later than September 1st or prior to the Convocation I would suggest that you might discuss the matter with me. I may say that all possible liberty will be given to members of Faculty who are pursuing research.

If you are prepared to accept this appointment on the terms indicated, will you please sign the original of this letter in the space provided and return it to me. A signed copy of the letter is enclosed for your own personal record.

Sincerely yours,

W. C. GRAHAM,
Principal.

WCG/hjs

I accept the above appointment on the terms indicated.

Date Signature

UNITED COLLEGE
WINNIPEG
Manitoba

Office of the Principal

April 23, 1958.

Professor Harry Crowe,
The Department of History,
Queen's University,
Kingston, Ontario.

Dear Harry:

You will recognize the enclosed as excerpts from your letter to Professor Packer of March 14th. The original was sent to me through the mail, devoid of its envelope, with a sheet of paper on which was typed the following: "Found in College Hall. We think you should read it. Some staff loyalty???" There was no signature to this communication. I have now given your letter to Professor Packer. He affirms that he had not received it and had never seen it before.

Your letter is a profoundly disturbing document. After reading it I have had to regretfully come to the conclusion that personally you have no sympathy with the avowed purposes of the College, and that you have no respect for or loyalty to the administration.

Yours sincerely,

WILFRED LOCKHART

Enclosure

(Enclosure not reproduced here)

c.c.—J. H. Stewart Reid

DOCUMENT NO. 4

Principal H. C. Lockhart,
United College,
Winnipeg, Manitoba.

May 1, 1958

Dear Principal Lockhart:

Six years ago I had the pleasure of writing to your predecessor, Principal Graham, to tell him how much we had enjoyed having Professor McNaught here at Queen's as Visiting Professor, and what an effective contribution he had made to the work of the Department. Having heard the paper which he read to a large and distinguished gathering of The Canadian Historical Association in Ottawa last June, I realized again how fortunate we had been.

McNaught came to us as one of a number of men whom we have been in a position year by year to invite to come here as Visitors. In proposing our appointments, we have considered the best people available over a wide field of selection, which has included the United States, Scotland, Australia and South Africa. The fact that we have now twice called upon members of United College is an indication of our high professional regard for your own Department of History.

It is now my pleasant duty to offer my thanks to the President of the College, this time in the case of Professor H. S. Crowe.

As our Visiting Associate Professor during the session now coming to an end, Mr. Crowe has demonstrated first-rate abilities as a teacher, fully alert to the scholarly demands of his subject and its implications in immediate and contemporary terms, and as a colleague whose wide interests and independence of viewpoint are in the best academic tradition.

We are very grateful to you and to Professor Stewart Reid for the administrative arrangements which have made it possible for us to have the benefit of Professor Crowe's services in the Department here.

I need hardly add that I write entirely without any solicitation on his part.

I am sending a copy of this expression of appreciation to Principal Mackintosh.

Sincerely yours,

W. E. C. HARRISON,
Professor and Head of
Department of History

WECH/dh

Telegram

Harry Crowe.
31 Mack Street,
Kingston.

DOCUMENT NO. 6

May 5, 4:55 p.m., 1958

Your letter received do not write Lockhart

JAMES WILSON

COPY

DOCUMENT NO. 7

Telegram

May 8, 1958

Mr. A. H. Watson,
144 Girton Boulevard,
Tuxedo, Winnipeg, Man.

I am informed that three letters which I addressed to colleagues at United College did not reach them through the mails, and that one of these, a letter addressed to Dr. Packer, has fallen by mysterious means into the hands of Principal Lockhart. It is now clear that Principal Lockhart read this letter, retained it for some time, reproduced it for his own use, and proceeded to draw from it a number of grotesque conclusions and to employ these conclusions to my discredit, first in a letter to me and more recently in a meeting of faculty.

I am informed further that reports of these actions on the part of the Principal have spread throughout Winnipeg. I have done nothing whatever to initiate or circulate any such reports, but I do now protest most strongly against the uses which have been made of the contents of a private and confidential letter. I have been advised that an actionable breach of copyright has thereby already been committed and I am given to understand that a further breach is now impending.

I find it exceedingly hard to believe that information obtained in this manner will be presented to the Board of Regents and I would find it even harder to believe that the Board of Regents should consider it proper to act upon such information. If, however, I am incorrect in this judgment, and if action adverse to me follows, full publicity will inevitably be given to all the facts in this incident.

HARRY CROWE.

COPY

DOCUMENT NO. 8

UNITED COLLEGE
WINNIPEG
Manitoba

*Board of Regents
Office of the Chairman*

Professor H. S. Crowe,
Department of History,
Queen's University,
Kingston, Ontario.

May 9, 1958

Dear Professor Crowe:

This is to acknowledge receipt of your telegram to me under the date of May 8th. It was read to a meeting of the Board of Regents last evening and in view of your assertion that letters sent by yourself to colleagues on the staff at United College did not reach them through the mails, I have been directed by the Board to request the Investigations Division of the Post Office to proceed with an investigation into this matter.

The other matters to which you refer in your telegram will be considered by the Board in the light of information obtained by further study and enquiry.

Yours truly,

A. H. WATSON,
Chairman of the Board.

AHW/dp

TRANSCRIPT**DOCUMENT NO. 9**

Mr. A. H. Watson,
Chairman, Board of Regents,
United College
Portage and Balmoral,
Winnipeg, Manitoba.

*Department of History,
Queen's University,
17 May 1958*

Dear Mr. Watson:

Thank you for your prompt reply to my telegram of May 8. As you state that you have been directed by the Board to request the Investigations Division of the Post Office to proceed with an investigation into the failure to arrive of letters sent by myself through the mails to Colleagues at United College, I have been advised to provide the Investigations Division with a statement of those relevant facts which are known to me.

I am pleased that the Board shares my determination to discover the cause of loss or interception of my letters and to locate the two letters which have not yet reappeared. I am enclosing for the information of yourself and of the Board a transcript of my letter to the Investigation Division.

Yours truly,

H. S. CROWE,
Assoc. Prof. of History.

TRANSCRIPT**DOCUMENT NO. 10**

Investigations Division,
Post Office,
Winnipeg, Man.

*Department of History
Queen's University,
17 May 1958*

Dear Sir:

I am in receipt of a letter dated May 9, 1958, from Mr. A. H. Watson, Chairman of the Board of Regents of United College, Winnipeg, stating that he has been directed by the board to request the Investigations Division of the Post Office to proceed with an investigation into the failure to arrive of letters sent by myself through the mails to members of the faculty at the College. To facilitate the investigation I am providing you with the information which follows.

A letter addressed by me on March 14, 1958, to Professor W. A. Packer, United College, Portage and Balmoral, Winnipeg, Manitoba, was not delivered to Professor Packer through the mails. On April 16, this letter, without its envelope, was handed to Professor Packer by Principal Wilfred Lockhart. Principal Lockhart asserts that the letter had come into his possession without its envelope, with an unsigned message stating that it had been found in the College.

A second letter, addressed by me as above, to Professor Packer at United College, on March 20 or 21, 1958, has not yet been delivered to him through the mails, and has not been returned to me.

A third letter, addressed by me on March 23, 1958, to Professor (or Dr.) Gordon Blake, United College, Portage and Balmoral, Winnipeg, Manitoba, has not yet been delivered to Professor Blake through the mails and has not been returned to me.

These letters were mailed in Queen's University envelopes, bearing my name in the upper left hand corner and were posted in Kingston, Ontario.

If the Investigations Division should decide that it is satisfied that the letters all reached United College, although not the intended correspondent, and that the matter of their loss or interception does not fall within the province of the Investigations Division, please advise me if the matter is to be brought to the attention of other authorities.

Yours truly,

H. S. CROWE,
Assoc. Prof. of History.

COPY

DOCUMENT NO. 11

Dr. Wilfred C. Lockhart,
Principal,
United College,
Portage and Balmoral,
Winnipeg, Manitoba.

May 23, 1958

Dear Dr. Lockhart:

I am in receipt of your letter of April 23 to which I have not replied before this date as I was under the impression that it was your intention to ask the Board of Regents for my dismissal. Now I am informed that this is not your intention. It is my intention to return to United College this autumn.

I regret the conclusions which you state in your letter to me that you have reached. Insofar as I am able to examine and understand my feelings in these matters your conclusions are incorrect and without foundation.

The letter which I mailed to Professor Packer under the date of March 14 became the property of the addressee when it was posted, but the copyright remained with me. I have given no authority to anyone to make copies and I am advised that without that authority copies cannot be made. Therefore I now ask that the photostatic copies be delivered to me.

Yours truly,

H. S. CROWE

HSC:ES

COPY

DOCUMENT NO. 13

UNITED COLLEGE
WINNIPEG
Manitoba

Office of the Principal

Professor H. Crowe,
Queen's University,
Kingston, Ontario.

May 28, 1958

Dear Professor Crowe:

Your letter of May 23rd has been received and was placed before the Board of Regents at a meeting last evening. Since the matter of your relationship to the College is presently under consideration by the Board and will be at the direction of the Board, it will be in order for you to address any correspondence in this regard to its Chairman, Mr. A. H. Watson.

Yours truly,

W. C. LOCKHART,
Principal.

WCL/nl

DOCUMENT NO. 15

Statement presented by Professor Crowe orally to Drs. E. E. Long and W. Harold Young, with Dr. W. F. Banister present, at Peterborough, June 2, 1958: copy given to Dr. Long at his request for himself and the Moderator.

Three letters written by me between March 14 and 23 to colleagues at United College, in envelopes of Queen's University where I am visiting Professor, and bearing my name, were not delivered to the addressees through the mails. Two of these letters were addressed to the Secretary of the Faculty Association (I was Secretary from 1955-57 and we have kept in continuous communication) and the third was to a faculty member who has worked closely with me on salary briefs.

One of these letters (dated March 14) was handed by Principal Lockhart to the addressee, Dr. Packer, on April 16, devoid of envelope, with the following remarks:

1. A student had given him the letter, devoid of envelope.
2. He had read my private and confidential letter to Dr. Packer.
3. He did not see how I could stay at United if I held the views expressed in the letter.

Dr. Packer informed Dr. Lockhart that he had not seen the letter before that moment.

On April 17, Dr. Packer had a second interview with Dr. Lockhart. On *this* occasion, Dr. Lockhart said:

1. The letter had come to him through the mails with a typed message from an anonymous person saying that it had been found in the College. He "assumed" it was a student as no faculty member would do such a thing.
2. Dr. Lockhart said he had made photostatic copies of my letter.
3. He said he now had evidence that a group of the faculty (presumably the Faculty Association executive) was working against him and against the College.

Legal advice, to which Dr. Packer and I agreed was that in the interest of the College, a police investigation should be avoided if possible. A letter arrived from Dr. Lockhart which, in effect, asked me to resign. Advice of colleagues and of lawyers in both Winnipeg and Kingston was that the only course of action was for my Winnipeg lawyer, Col. Wilson, to visit Dr. Lockhart, pointing out the moral and legal position he was in, requesting Dr. Lockhart to deliver up the photostats, and proposing a general understanding that Dr. Lockhart would forget about the information he had wrongfully acquired and misunderstood, and in return I would not press action against him. Col. Wilson saw Dr. Lockhart on May 7, but made no impression whatever on him, and came away with the clear impression that Dr. Lockhart was going to use the letter to "force" me out of the College.

At a special meeting of the General Faculty Council on May 7, Dr. Lockhart defended his actions in reading and making photostatic copies of my private letter to Dr. Packer. Aided by the Dean of Theology, he made outrageous remarks about the meaning of my letter, said that there was no place on the faculty for me, and that he was going to read my letter to a meeting of the Board of Regents the following evening. He said that faculty members, including myself, had been spreading word of his actions about Winnipeg, and that this would ruin the Building Fund campaign. The Principal's conduct was strongly attacked at the faculty meeting by several faculty members, led by Dr. Stewart Reid, Chairman of the History Department.

Upon urging of faculty members at the College, I sent the Chairman of the Board of Regents (Allan H. Watson) on May 8, a telegram which colleagues and lawyers at Queen's helped to compose. This telegram stated (1) the facts which were known to me (2) that I had been advised that an actionable breach of copyright had been committed and (3) that if action adverse to me were taken, full publicity would inevitably be given to all the facts in the incident. A copy of this telegram was given to Dr. Lockhart before the Board meeting by the Chairman of the Faculty Association, Dr. Kenneth McNaught. On May 8, prior to the Board meeting, Dr. Lockhart told Dr. McNaught and Dr. Stewart Reid, that no action was ever contemplated against me and he could not see how I got such an idea. At the same time an invitation which Dr. Lockhart had issued to Dr. Reid (at Dr. Reid's request) to appear at the Board meeting to seek entrance, was withdrawn.

Mr. Watson wrote to me under the date May 9, stating that he had been "directed" by the Board of Regents to ask the Investigations Division of the Post Office to conduct an investigation. Subsequently I wrote to the Investigations Division stating those facts which were known to me. I sent a copy to Mr. Watson. I am in receipt of a reply from the District Director of Postal Service, Winnipeg, under the date May 28, stating that *no* request for an investigation, or indeed enquiry of any kind had been made by the College. An investigation however was carried out as a consequence of *my* letter, and the Post Office is satisfied that the three letters reached the College, and the matter is one for the police.

On May 15, three members of the Board of Regents (all lawyers) visited my lawyer, Col. Wilson, with the following message: (1) they were "unofficially" present, representing neither Dr. Lockhart nor the Board, (2) I should resign and if I did "they" would give me "excellent" reference, (3) if I do not resign I might be fired, (4) if I wasn't fired and returned to the College, things would be made "most unpleasant" for me, and an "investigation" of me would continue.

Col. Wilson pointed out the sharp conflict between the representations of the three Board lawyers on May 15, and the statements of Dr. Lockhart to my Department Chairman and the Chairman of the Faculty Association on May 8. Col. Wilson said I would have to know what representations had been made to the Board of Regents, and what attempt had been made to determine their truth or falsity, before I could consider their suggestions.

These three gentleman said they would have to return for a second interview, (which probably took place late last week). At this second interview, Col. Wilson will inform them: (1) I intend to return to United College this autumn. I shall get a job elsewhere as soon as I can, but it is not possible to get an academic job this late in the year. (2) If I am dismissed I shall defend my interests with every available means. This I am fully prepared to do. (3) I am determined to discover what has happened to my mail. Also, I shall have to ask Dr. Lockhart to deliver to me the photostats of my letter.

On May 23, I wrote to Dr. Lockhart stating that it is my intention to return to United College this autumn. In my letter I asked him to send me the photostats, and I said I regretted the conclusions which he had reached on the basis of my letter to Dr. Packer, and assured him they were incorrect and without foundation. His reply was a curt directive to send my communications to the Chairman of the Board of Regents. A series of injustices has been done—my mail has been stolen, a private letter of mine has been read by the Principal and photostated: he has presumed to understand what it means (torn from my correspondence). It has been paraded before the faculty and the Board; and now an even greater injustice is threatened.

COPY

DOCUMENT NO. 16

Professor H. S. Crowe,
Department of History,
Queen's University,
KINGSTON, Ontario.

P. O. Box 815,
WINNIPEG 1, Manitoba,
June 2, 1958.

Dear Professor Crowe:

Your letter of May 17th was awaiting me upon my return to the City. I have spoken to the Investigation Division of the Winnipeg Post Office and have been informed that they have completed their investigation, and, in accordance with their general policy, have forwarded a report to you as the sender of the letters and as at the place of mailing.

I shall be glad if you will send me a copy of this report at your earliest convenience.

Yours very truly,
ALLAN H. WATSON,
*Chairman of the Board of Regents,
United College.*

AHW:vp

COPY**DOCUMENT NO. 17**

Mr. Allan H. Watson,
P. O. Box 815
Winnipeg 1, Manitoba.

June 10, 1958

Dear Mr. Watson:

I wish to acknowledge receipt of your letter of June 2nd. I am enclosing a copy of the report of the District Director of Postal Service which you requested.

I am in receipt also of a letter under the date May 28th from Principal Lockhart stating that it is in order for me to address correspondence to you. Dr. Lockhart's letter was in reply to my letter to him of May 23rd, in which I regretted certain conclusions with respect to myself which he had informed me he had reached, and I assured him that they were incorrect and without foundation.

My letter to Dr. Lockhart contained the following paragraph: "The letter which I mailed to Professor Packer under the date of March 14 became the property of the addressee when it was posted, but the copyright remained with me. I have given no authority to anyone to make copies and I am advised that without that authority copies cannot be made. Therefore I now ask that the photostatic copies be delivered to me". As Dr. Lockhart's reply was that it is in order for me to address correspondence to you, I now ask you to undertake the delivery to me of the photostatic copies of my private and confidential letter to Dr. Packer.

Also, I must inform you that I am distressed by information which has been sent to me that the Principal has made a very serious charge about me relating to an alleged occurrence when I was a student at the College many years ago. He has stated that material to this effect is in my file at the College. Although I know there is not a shred of truth to this charge, I have secured statements from persons who were on the college faculty when I was a student. You will appreciate that I am most disturbed that material of this nature should be in existence, and that it should be used by the Principal. When I return to United College this autumn, I shall appreciate an opportunity to discuss this matter further with you.

Yours very truly,

H. S. CROWE,
Associate Professor of History.

COPY**DOCUMENT NO. 21**

Professor H. S. Crowe,
Dept. of History,
Queen's University,
KINGSTON, Ontario.

P. O. Box 815,
Winnipeg 1, Manitoba,
June 20, 1958.

Dear Professor Crowe:

This will acknowledge receipt of your letter dated June 10th which arrived during my absence from my office.

I thank you for sending me a copy of the report of the District Director of Postal Services. The statement in the report "a check was made of records of enquiries at this office but outside of the telephone conversation with Professor Packer, no complaint has been received of misdelivery or non receipt of any mail for anyone in the College" being incorrect, I contacted the Post Office and was informed that this statement was corrected in a subsequent letter to you, a copy of which is being forwarded to me. My concern in this is simply to keep the record straight.

You have been advised that the question of your future relationship with the College is being considered by the Board. It is to be expected that a decision finalizing the matter will be made at the next meeting of the Board to be held on July 2nd. If you wish to make any further representation prior to the meeting please feel free to do so.

Yours truly,

ALLAN H. WATSON,
*Chairman of the Board of Regents,
United College.*

AHW:vp

Mr. A. H. Watson,
Chairman, Board of Regents,
United College, P. O. Box 815,
Winnipeg 1, Manitoba.

June 26, 1958

CONFIDENTIAL

Dear Mr. Watson:

I have your letter of June 20 stating that the question of my relationship with the College is being considered by the Board and inviting representations from me prior to the Board meeting of July 2. I have already made representations to you on the subject in a telegram dated May 8 and in a letter dated June 10, and to Dr. Lockhart in a letter dated May 23.

The question of my relationship to the College has arisen as a result of the unauthorized reading, retention, photostating and employment by the Principal of a private letter which I had addressed to Dr. Packer. The fact that this letter, along with others, was apparently stolen by someone from the mails within the College, the fact that conflicting versions of how it came into the Principal's hands have been transmitted to me, the fact that its contents have been grossly misinterpreted and misrepresented, are in themselves important but they are far less important than the basic fact that my position as a faculty member is in question because a private letter of mine to another faculty member has been read, retained, photostated and otherwise used in an unauthorized manner by the Principal.

I will tell you frankly that I have been urged by colleagues at United College and by a number of outstanding members of the academic community across the country, including executive officers of the Canadian Association of University Teachers, all of whom feel strongly that the basic interests of the academic profession have been gravely affected, to bring forward immediately before the Canadian Association of University Teachers this invasion of the fundamental rights of university teachers. I have also been advised that my legal rights have been seriously infringed in more than one respect and that I should act to secure appropriate legal redress. Despite my respect for the persons who have offered this counsel, and despite my personal sense of outrage, I have thus far declined to act upon their advice because of my continuing primary loyalty to the College, and because of my confidence that the Board of Regents can be relied upon to protect the interests and rights of faculty members.

If, however, I am proven to be wrong in this judgment, and if action should be taken which would prejudice my resumption of duties at United College in accordance with the normal condition of academic tenure, then I shall be left with no alternative but to defend by every available means my interests as a member of the academic profession and of the faculty of United College. I will do so in the clear conviction, a conviction shared by everyone who has communicated with me on this subject, that the well-being of the College would depend upon the success of my action.

Although this letter is marked "Confidential" I wish you to present it to the other members of the Board.

Yours truly,

H. S. CROWE,
Associate Professor of History.

HSC:ES

QUEEN'S UNIVERSITY
KINGSTON, ONTARIO

26 June, 1958

Rev. W. Harold Young,
Secretary, Board of Colleges and Secondary Schools,
United Church of Canada,
526 Wesley Buildings,
299 Queen St. West,
Toronto 2B, Ontario.

Dear Dr. Young:

I wish to acknowledge your letter of June 17 which, I must confess, I find a rather puzzling communication. I can recollect no statement made by myself to you, or in your presence, which might have conveyed to you the impression that I was prepared to enter any arrangement in which I would resume my teaching duties at United College in any qualification of the normal conditions of academic tenure. I regret that I seem to have left you with this misimpression.

The question of my relationship to the College has arisen solely because of the unauthorized reading, retention, photostating and employment by the Principal of a private letter which I addressed to Dr. Packer. Nothing which I have done justifies the raising of this question, or would cause me to consider the kind of arrangement which you propose.

Thank you for your efforts and your good wishes.

Yours sincerely,

H. S. CROWE,
Associate Professor of History.

Copy to Dr. E. E. Long

COPY

DOCUMENT NO. 24

Professor H. S. Crowe,
Department of History,
Queen's University,
KINGSTON, Ontario.

P. O. Box 815,
Winnipeg 1, Manitoba,
July 4, 1958.

Dear Professor Crowe:

The Board of Regents of United College met Wednesday evening, July 2nd and had before it your telegram to me of May 8th, your letters to me of June 10th and 26th and your letter to Principal Lockhart of May 23rd. Professor Stewart Reid was also at the meeting in compliance with your request to him.

The Board has considered carefully the facts related to the manner in which your letter to Dr. Packer under date of March 14th came into the hands of Principal Lockhart and the subsequent development. The members of the Board unanimously agree that the Principal acted in a responsible manner as Chief Executive Officer of the College in dealing with this correspondence.

The Board is of the opinion that your conduct has been such that would enable it to dismiss you for cause and without notice.

Notwithstanding this, however, and without prejudice to the Board's legal position in the matter, the Board has instructed me to inform you that:

1. You may resume your duties with the College for one year commencing on the first day of September, 1958 at the same salary and on the same conditions as

when you last taught at the College in the year 1956-57, if you notify the Board in writing on or before the 25th July, 1958 of your intentions so to do. If such written notice is not received on or before the 25th July, 1958, the Board will assume that you are not returning to teach at the College and will make arrangements to engage another person in your place.

2. If written notice is received from you that you will return to the College on the first day of September, 1958, your services to the College will not be required after the 31st August, 1959, and this is formal notice to you that your employment with the College will end on the 31st August, 1959.

It is hoped that during the 1958-59 academic year you will be able to find employment in some other institution of higher learning which will be more congenial to you.

Yours truly,

ALLAN H. WATSON,
*Chairman of the Board of Regents,
United College.*

AHW:vp

COPY

DOCUMENT NO. 29

Telegram to

15 July 1958.

Mr. A. H. Watson,
144 Girton Blvd., Tuxedo,
Winnipeg, Man.

Does salary referred to in fourth paragraph of your letter of July 4 include increment granted to my rank in the year 1957-58 and any which may be granted in the year 1958-59 or does it mean the exact salary I received in the year 1956-57.

H. S. CROWE

COPY

DOCUMENT NO. 30

Professor H. S. Crowe,
Department of History,
Queen's University,
KINGSTON, Ontario.

Box 815,
Winnipeg 1, Manitoba,
July 21st, 1958.

Dear Professor Crowe:

Referring to your telegram of the 16th instant, Section 1 of the fourth paragraph of my letter of the 4th instant simply means that your salary on the date you report for duty will be the same as it was when you commenced your leave of absence.

In the normal course, the following factors govern salary increments:

- a) Teaching proficiency
- b) Loyalty to the institution
- c) Measure of co-operation extended in attaining the objectives of the College.

There is nothing in my previous letter or in this designed to impede discussion of your 1958 salary as soon as you report to the College for duty.

Yours truly,

ALLAN H. WATSON,
*Chairman of the Board of Regents,
United College.*

AHW:ny

COPY

DOCUMENT NO. 31

Telegram to

25 July, 1958

Mr. A. H. Watson,
144 Girton Blvd., Tuxedo,
Winnipeg, Man.

You propose in your letters of July 4 and July 21 to terminate my employment without notice and to offer a new one-year contract at reduced salary below the minimum for my rank and without the increment due me and other continuing members of staff. September salary discussions are no protection to me now. New conditions now introduced by you restricting increments and your previous letter suggest unfavourable result of such discussions predetermined.

Accepting your proposal would admit your right to dismiss or punish me for non-existent misconduct. I do not recognize any right to terminate or modify my present and continuing employment. I intend to exercise all rights and fulfill all duties flowing from that employment. This telegram is sent under reserve of all my legal rights.

H. S. CROWE,

COPY

DOCUMENT NO. 33

P. O. Box 815,
Winnipeg 1, Manitoba,
August 7th, 1958.

Professor H. S. Crowe,
Department of History,
Queen's University,
Kingston, Ontario.

Dear Professor Crowe:

Referring to your telegram of the 25th ultimo, your interpretation of my letters of July 4th and 21st is wrong in all important respects.

I feel sure that upon re-reading my letters of July 4th and 21st and upon further serious reflection, you will realize that you may resume your duties on the basis outlined in my letter of July 4th or decline to do so. The choice is entirely yours.

The wording of your telegram is so ambiguous that we cannot be sure whether you intend to resume your duties or not.

You will appreciate that the interests of the College demand a definite answer. We must either keep a post open for you or engage a replacement without delay. We cannot afford to permit the matter to drag indefinitely.

Please inform us definitely if you intend to resume your duties in September. A simple yes or no is all that is necessary. Surely this is not asking too much of you. Unless we have definite advice from you by Thursday, August 14th, that you intend to resume your duties for the forthcoming academic year, we will assume that you do not intend to do so and will proceed without delay to fill the vacant post.

Yours very truly,

ALLAN H. WATSON,
*Chairman of the Board,
United College.*

AHW:ny

Telegram to

Mr. A. H. Watson,
144 Girtton Boulevard,
Tuxedo, Winnipeg, Man.

Thursday
Aug. 14, 1958

You have no power to compel me to accept one of the alternatives in your letter of July 4 without my consent and I do not consent to either of them. I propose to return to duty September first pursuant to my continued employment under previous conditions on the understanding that I am to receive the appropriate salary under present schedule for my rank and service with all increments accrued or accruing according to regular practice, without deduction, abatement or reduction, and without refusal, reduction or postponement of increase or increment and without penalty for alleged disloyalty or alleged misconduct.

H. S. CROWE

TRANSCRIPT

DOCUMENT NO. 36

P. O. Box 815,
Winnipeg, Manitoba,
August 18th, 1958.

Professor H. S. Crowe,
Department of History,
Queen's University,
KINGSTON, Ontario.

Dear Professor Crowe:

I acknowledge receipt of your telegram of August 14th which reads as follows:
(There follows a transcript of *Document 34*)

In order that any possibility, on your part, of misunderstanding of the decision of the Board, I again repeat for your information and consideration pertinent excerpts from my letter of July 4th as follows:

1. "You may resume your duties with the College for one year commencing on the first day of September, 1958 at the same salary and on the same conditions as when you last taught at the College in the year 1956-1957.

2. If written notice is received from you that you will return to the College on the first day of September, 1958, your services to the College will not be required after the 31st of August, 1959 and this is formal notice to you that your employment with the College will end on the 31st of August, 1959".

From my letter of July 21st as follows:

"There is nothing in my previous letter or in this designed to impede discussion of your 1958 salary as soon as you report to the College for duty."

The above pertinent excerpts represent the Board's decision in the matter under discussion and no other understanding exists between us. You will resume your duties at United College, if you do report for duty, on the conditions laid down in my letters of July 4th and 21st.

Yours very truly,

ALLAN H. WATSON,
*Chairman of the Board of Regents,
United College.*

AHW:ny

TRANSCRIPT**DOCUMENT NO. 38**

Telegram to
Mr. A. H. Watson,
144 Girton Blvd. Tuxedo,
Winnipeg, Man.

22 Aug. 1958

Under my contract of employment I am entitled to return to duty September first at the salary appropriate to my rank and service under the present schedule without any deduction, holdback or penalty. I am ready and willing to do so. The minimum salary for Associate Professor under the present schedule is 6,000 dollars and the maximum is 6,500 dollars. I am an Associate Professor with eight years service to the College and as such my salary must be above 6,000 dollars and not 5,300 dollars as offered me in your letters of July 4 and August 18. If I am not to receive a salary above 6,000 dollars I shall have to regard your letter of August 18 as a final confirmation of your earlier letters terminating my contract and offering me a new contract at the lower figure. If I am not permitted to return according to my contract it must be because I am dismissed. Advise at once whether I am to return according to my contract as outlined above or not.

H. S. CROWE

DOCUMENT NO. 39

Professor H. S. Crowe,
Department of History,
Queen's University,
Kingston, Ontario.

Winnipeg 1, Manitoba
August 25th, 1958.

Dear Professor Crowe:

This will acknowledge receipt of your telegram of the 22nd instant which reads as follows:

"Under my contract of employment I am entitled to return to duty on September first at the salary appropriate to my rank and service under the present schedule without any deduction hold back or penalty stop I am ready and willing to do so stop The minimum salary for associate professors under the present schedule is Six Thousand Dollars and maximum is Six Thousand Five Hundred Dollars stop I am an associate professor with eight years service to the College and as such my salary must be above Six Thousand Dollars and not Five Thousand Three Hundred Dollars as offered me in your letters of July four and August eighteen stop If I am not to receive a salary above Six Thousand Dollars I shall have to regard your letter of August eighteen as a final confirmation of your earlier letters terminating my contract and offering me a new contract at the lower figure stop If I am not permitted to return according to my contract it must be because I am dismissed stop Advise at once whether I am to return according to my contract as outlined above or not".

You have not been offered a new contract and we are not offering you a new contract.

You have been advised in writing, repeatedly, that you may resume your teaching duties with the College on September 1st, 1958 *at the same salary and on the same conditions as when you last taught at the College and that your employment with the College will end on the 31st August, 1959.*

You have also been advised in writing that there is nothing in my previous letters *designed to impede discussion of your 1958-59 salary as soon as you report to the College for duty.*

You are free to resume your duties with the College. The decision to do so or to decline to do so is yours and the responsibility for the decision is also yours.

If you fail to report at the College for duty not later than September 2nd, 1958, you will have by your own action terminated your employment with the College and the College will thereafter accept no further responsibility to you.

Yours very truly,

ALLAN H. WATSON,
*Chairman of the Board of Regents,
United College.*

AHW:ny

DOCUMENT NO. 40

UNITED COLLEGE
Winnipeg 2,
Manitoba

(Affiliated with The University of Manitoba)

August 26, 1958.

Dear Faculty Member:

Acting under the direction of the Board of Regents I am writing to provide you with a brief statement of fact concerning the most recent developments pertaining to Professor H. S. Crowe and his relationship with the College.

At a meeting of the Board on July 2nd it was decided that Professor Crowe could resume his duties at the College this autumn and be given a year in which to re-establish himself in some other teaching position. A copy of the letter sent to Professor Crowe is attached. Copies of Professor Crowe's replies by telegram to me dated July 25th and August 14th are also attached.

(Documents referred to in the preceding paragraph were attached to the original release but are not duplicated here. They are reproduced in this Appendix as Documents 24, 31 and 34.)

It would appear from these telegrams that Professor Crowe has declined to return to the College at the same salary at which he left and has demanded a salary in excess of \$6,000.00 per annum evidently on the assumption that salary increases made last January 1st automatically apply to all staff members. He previously was informed that the Board of Regents was prepared to discuss the matter of his claim for an increase in salary upon his return.

While the Board has an established salary scale for each rank it has not been the policy of the Board to necessarily equalize the salary of all persons in any given rank or to maintain every person of that rank at the published scale. Salary increases have been made at the discretion of the Board with due recognition of the merits of the individual involved. There was nothing in the letter written to Professor Crowe regarding the resumption of his duties that precluded a possible increase of salary in this academic year and Professor Crowe has been so informed.

The Board's position is that if Professor Crowe does not report for duty by September 2nd, 1958, he will have by his own action terminated his employment with the College.

It is our belief that you should be informed of the reasons behind the Board's decision to inform Professor Crowe that his services would not be required by the College after August 31st, 1959.

Professor Crowe's letter to Professor Packer, of which so much has been said and which came to the Principal through the mail, was not a factor in the Board's decision to take this action. The letter was never before the Board nor was its contents considered by it.

What the Board has had under consideration has been Professor Crowe's expressed attitudes to the College, the Board and the Principal as reflected in his communications

to the Principal and the Board and his actions pertaining thereto. He has attempted to intimidate the Principal and the Board by threats of legal and other action and by public denouncement. He has imputed improper and false motives to the Principal and has made accusations against him of distortion, and grotesqueness, deliberately misrepresenting the facts to accomplish this end. The intemperate tone of his communications to the Board, the Principal and the Church as represented by the Board of Colleges and Schools, reflects an aggressive belligerency that appears to make any long term relationship between himself and the College impossible.

Under the date of July 31st Professor Barber has written to inform us that the Canadian Association of University Teachers has set up a commission to investigate "the circumstances under which one of your faculty members, Professor H. S. Crowe was dismissed from his position." It was stated that this was being done on the grounds "that the *facts* at the disposal of our executive appeared to indicate that issues of academic freedom and tenure were involved."

We wish to make it clear to all members of the faculty that neither academic freedom or tenure are in jeopardy by the decision of the Board in this case and that there has been no deviation in the Board's policy to ensure the full privileges of academic freedom and tenure for all members of the staff. The Board would welcome a full discussion with representatives of the faculty for the purposes of more clearly defining these academic rights and of securing the best ways and means of effectively safeguarding them.

The Board will co-operate fully in any investigation of the facts in the Crowe situation by any properly constituted and authorized committee of the Canadian Association of University Teachers and Professor Barber has been advised in writing to this effect. He has also been informed that we expect this matter to be properly processed through the United College Faculty Association.

We are sending you this statement so that you may be in possession of the facts pertaining to the Board action and the reasons that prompted it. It is important that we all do whatever we can to dispel the many and malicious rumours that may do so much harm not only to the institution but to all who are involved.

Yours very sincerely,

ALLAN H. WATSON,
Chairman of the Board of Regents

TRANSCRIPT

DOCUMENT NO. 41

UNITED COLLEGE
Winnipeg
Manitoba

Office of the Principal

August 29, 1958.

Professor H. S. Crowe,
United College,
Winnipeg 2, Man.

Dear Professor Crowe:

I am in Montreal this week attending meetings of the Association of Universities of the British Commonwealth and therefore am unable to be in my office to receive you as you report for duty. Will you please call Mr. Allan Watson at Globe 3-1545, Local 217, and indicate to him that you have been back at the College. I will look forward to seeing you on my return from Montreal.

Yours very sincerely,

W. C. LOCKHART,
Principal

WCL/nl

DOCUMENT NO. 42

Memo to Dean Anderson:

September 2, 1958.

Will you accept this memo as notification that today Professor Harry Crowe reported to me for duty as a member of the College teaching staff in History. He wishes me to say that he has returned to duty pursuant to his continuing employment with the College, and with all the rights of that employment including salary at the rank of Associate Professor. He wishes me to say also that he has not entered into any arrangement with the College nor will he enter any arrangement with the College by which he would accept any penalty on account of alleged disloyalty, or alleged misconduct.

J. H. S. REID.

JHSR/ml

TRANSCRIPT

DOCUMENT NO. 43

11 Lodge Avenue,
St. James, Manitoba
2 Sept., 1958.

Mr. A. H. Watson,
P. O. Box 815,
Winnipeg 1, Manitoba.

Dear Mr. Watson:

I have been handed a letter from Dr. Lockhart by Mrs. Lowe asking me to phone you at your office to "indicate" that I have been "back at the College", and when I phoned your office I was informed by Miss Yaskiew that you were out and would not be returning.

I have reported to Dr. Reid for duty pursuant to my continuing employment with all rights of that employment, including a salary at the rank of Associate Professor, and I have informed Dr. Reid that I have entered no understanding with the College by which I will accept any penalty on account of alleged disloyalty or alleged misconduct.

Yours very truly,

H. S. CROWE

COPY

DOCUMENT NO. 44

*Board of Regents
Office of the Chairman*

Professor Harry S. Crowe,
11 Lodge Avenue,
St. James, Winnipeg 12, Man.

September 15, 1958.

Dear Professor Crowe:

The Board of Regents of United College hereby gives you notice that your service as a member of the teaching staff of United College is terminated forthwith.

The Board of Regents is prepared to pay you the compensation in lieu of notice to which you may be legally entitled by reason of the above termination of service.

Yours truly,

ALLAN H. WATSON,
Chairman, Board of Regents

AHW/nl

COPY

DOCUMENT NO. 45

Mr. Allan H. Watson,
Chairman, Board of Regents,
United College,
Winnipeg, Man.

September 15, 1958.

Dear Mr. Watson:

Professor Crowe has shown us your letter of September 15th, whereby his services as member of the teaching staff at the United College are terminated. You state that the Board is prepared to pay Professor Crowe the compensation in lieu of Notice to which he may be legally entitled.

We suggest that the amount to which he is entitled is \$6,000.00, which is the minimum amount the Professor would have received had he been continued in his position as Associate Professor of History. We would be glad to hear from you.

Yours truly,

FILIMORE, RILEY, McLACHLAN, NORTON & YARNELL
per

WPF:L

DOCUMENT NO. 46

Statement released by the Board of Regents
and printed in the *Winnipeg Free Press*,
September 20, 1958

The board of regents of United College has refrained until now from any statement relative to Prof. Crowe and his relationship to the college. It has been unwilling to be a party to any newspaper debate on this issue. However, since the public has been given such an inaccurate view of the matter the board now believes that the time has come to provide a full statement of the facts.

United College is a college of the United Church of Canada. It has maintained throughout its long history a concern for excellence in learning and the freedom to pursue the truth. It was founded on the conviction that higher education should be set in an atmosphere that is congenial to religion so that the insights and understandings that come through the Christian faith can be related to all knowledge.

Principal Lockhart received in Her Majesty's Mail in an envelope post-marked Winnipeg, April 1, 1958, an unsigned communication addressed to himself. The communication to Dr. Lockhart was as follows:

"FOUND IN COLLEGE HALL. WE THINK YOU SHOULD READ IT.
SOME STAFF LOYALTY???"

There was enclosed a letter, from "Harry" to one "Viljo", dated March 14.

The contents of this letter are now known in certain circles because Prof. Crowe himself released a copy in his own handwriting to the board of colleges and secondary schools of the United Church. A copy in turn was furnished to the board of regents by the church and read to the Board of Regents on Sept. 9. Until that date the board did not have the letter, or any copy or transcript of it before its members. Dr. Lockhart did *not* release the letter to the board.

The board's opinion of the letter is that the attitude toward religion revealed by it is incompatible with the traditions and objectives of United College, and that, in the manner in which he has named in the letter six faculty members, two of whom are deceased and are of hallowed memory, Prof. Crowe overstepped the limits of decency.

If Prof. Crowe sees fit to publish his letter, such publication will once and for all remove any uncertainty about the nature of its contents.

KEPT A COPY

When Dr. Lockhart received this document, without any knowledge of who had sent it to him, and in view of its contents, he felt himself morally responsible as official representative of the United Church on the board, and as the chief executive officer of the college, to retain a copy of it for the board.

He also felt it necessary to retain a copy in that it was received anonymously and therefore with possible sinister intent.

He handed the original letter to the person to whom presumably it had been sent, who stated that he had not seen it prior to that date.

Dr. Lockhart then wrote to Prof. Crowe, informing him of what he had done and stating:

"Your letter is a profoundly disturbing document. After reading it I have had to regretfully come to the conclusion that personally you have no sympathy with the avowed purposes of the college, and that you have no respect for or loyalty to the administration."

This was the whole substance of Dr. Lockhart's personal rebuke to Prof. Crowe at that time or since.

Malicious rumours began to circulate at this time, and the chairman of the board of regents convened a meeting of the board to consider the entire matter.

WIRED STATEMENT

When Prof. Crowe learned that this matter was to come before the board, he wired to the board stating in conclusion:

"...if action adverse to me follows, full publicity will inevitably be given to all the facts in this incident."

This was followed by efforts on Prof. Crowe's part, contained in a memorandum dated June 2, 1958, forwarded to the secretary of the board of colleges and secondary schools of the United Church, to discredit the principal by imputing improper and false motives to him. The memorandum also contained various mis-statements of fact.

When the board met on July 2 to deal finally with this matter, it felt that there was sufficient evidence from the expressed attitudes of Prof. Crowe to the board and the principal to make it clear that it would be better for all concerned if he were not retained on the staff.

The board of regents was willing to allow Prof. Crowe to return to the college in order to have one year at least to establish himself in some other teaching position more congenial to him. It so informed him on July 2 and at the same time gave him legal notice of termination of service as of August 31, 1959.

NEW CONTRACT

Prof. Crowe insisted on interpreting this as the offer of a new contract, despite the fact that he was informed that he would resume his duties on the same basis as when he left for his year's leave of absence. He was also informed in writing that the board stood ready to consider granting him the increase in salary that had been afforded to those of his rank during his absence.

On Sept. 2 Prof. Crowe returned to the college. On his return, however, he refused to accept his year's notice of discontinuance of service, insisting that he had "continuing employment" with the college.

On Sept. 9 the board, having just received from the board of colleges of the United Church a copy of the original letter, reconsidered the matter of Professor Crowe's position. The letter was then read to the board and its contents raised a question as to Prof. Crowe's fitness to teach at a church college. The board decided that his attitude to religion and to his colleagues on the staff as expressed in his letter was such that his services should be terminated forthwith.

DECISION

In light of its then full knowledge of the facts, the board was governed by these considerations in its decision of Sept. 9.

It is a fact clearly recognized in the university community of the United States, which over the past 50 years has gone a long distance in the direction of codifying principles and procedures concerning academic liberty and tenure in that country, that institutions of higher education which have religious affiliations of any kind must be permitted to expect from members of their faculties certain restraints in the expression of opinion which may not appear to be necessary in purely secular institutions.

The board concurs in the view expressed by scholarly writers that any faculty member who questions the basic tenets of religion within such an institution should, in honesty, seek an academic environment more congenial to him. It is upon this principle that the board of regents has acted in this affair but, in addition, in an honest endeavour to be scrupulously fair with Prof. Crowe, the board first, and before the contents of Prof. Crowe's letter were placed before it, offered him a further year of service within the college, and later, after the contents thereof were disclosed to it, *offered to him a year's salary in lieu of notice.*

The board has informed the president of the Canadian Association of University Teachers that it will co-operate fully with any properly constituted investigating committee of the CAUT if, as, or when there is an investigation. The board wishes also to have the proper assurances that such an investigation, if it proceeds, will be fair and objective.

In this regard it must be pointed out that Prof. Barber, the president of the CAUT has informed the board that steps are being taken by him to rectify the wrong done to the principal and the college by his issuance of a document which, in the judgment of the board, is extremely prejudicial to the position of the board.

The board of regents wishes to make it abundantly clear that there has been no deviation from its traditional support of academic freedom, and that it will continue to stand firm in safeguarding such privileges. The charge of infringement of academic freedom, in this instance, is absurd unless the immunity claimed by a scholar in the pursuit of knowledge is to be extended to cover any kind of irresponsible action.

United College has long held an enviable reputation in this country as an integral part of a fine university and its high scholastic standards have been matched only by its devotion to true academic liberty. The board realizes that it holds a heavy responsibility in maintaining and furthering both these desirable things, and it does not intend to waiver from them now. But it feels bound to state that it fails entirely to see in this affair any conceivable connection between its actions with respect to Prof. Crowe and any concept of academic liberty known to it. The governing body of this college is in either explicit or implicit agreement with the following statements on academic freedom which were agreed upon in 1940 by the American Association of University Professors and by the Association of American Colleges. The first part of a highly relevant clause of this statement was apparently provided to the press some days ago, and printed.

We take the liberty of reproducing the entire statement of this clause, with the additional part underlined:

"The College or University teacher is a citizen, a member of a learned profession, and an officer of an educational institution. When he speaks or writes as a citizen, he should be free from institutional censorship or discipline; but his special position in the community imposes special obligations. As a man of learning and an educational officer, he should remember that the public may judge his profession and his institution by his utterances. Hence he should at all times be accurate, should exercise proper restraint, should show respect for the opinion of others, and should make every effort to indicate that he is not an institutional spokesman."

The members of the board of the college have the utmost confidence in the integrity of Principal Lockhart and are in unanimous agreement that he acted in a right and responsible manner as chief executive officer of the college in dealing with the letter in question. The board also gives its full support and approval to the chairman of the board and the principal for the dignified and restrained manner in which they have handled this entire situation.

Messrs. Aikins, MacAulay & Co.,
Barristers, etc.,
Somerset Building,
Winnipeg 1.

September 22, 1958.

Dear Sirs:

Att'n: Mr. McGavin, Q.C.
Re: United College & Professor H. S. Crowe

We return herewith the cheque for \$5,521.20 which was enclosed with your letter of September 17th, also the form of release. As presently advised, Professor Crowe is not prepared to sign this form in that it covers a field much wider than compensation in lieu of notice.

Yours truly,

FILIMORE, RILEY, McLACHLAN, NORTON & YARNELL

per :

WPF:L

Encls.

DOCUMENT NO. 48

RELEASE

KNOW ALL MEN BY THESE PRESENTS that I, HARRY S. CROWE, of the City of Winnipeg in the Province of Manitoba, for and in consideration of the payment by United College to me of the sum of \$5,521.20, the receipt whereof I hereby acknowledge, and the payment by United College on my behalf to the Receiver General of Canada of the sum of \$478.80, have absolutely and forever released, remised, acquitted and discharged and by these presents DO ABSOLUTELY AND FOREVER RELEASE, REMISE, ACQUIT AND DISCHARGE the said United College, the Board of Regents of United College, and all members thereof, the Chairman of the said Board, Allan H. Watson, and the Principal of United College, Dr. Wilfred C. Lockhart, their heirs, executors, administrators, successors and assigns, of and from all manner of action or actions, cause or causes of action, suits, debts, dues, sums of money, accounts, bonds, covenants, contracts, claims, demand or damages whatsoever, at law or in equity, which I ever had, now have, or in which my heirs, executors, administrators or assigns, or any of them, hereafter can, shall or may have, for or by reason of any cause, matter or thing whatsoever existing up to the present time; exempting only out of the said release and discharge whatever rights I may be entitled to pursuant to the Pension Plan of United College.

IN WITNESS WHEREOF I have hereunto set my hand and seal this day of September, 1958.

SIGNED, SEALED AND DELIVERED
in the presence of

}

HARRY S. CROWE

*Release to the Press by Professor H. S. Crowe,
September 22, 1958*

Allan H. Watson, Chairman of the Board of Regents of United College, has issued to the press a statement on my relationship with the Principal and the Board of Regents which contains so many mis-statements of fact and so many omissions of essential pieces of information, that I am compelled to make this public reply, much as I would have preferred to maintain silence until the investigating committee of the Canadian Association of University Teachers had completed its investigation.

The following is a selection, and by no means an exhaustive account, of Mr. Watson's mis-statements and omissions:

1. Mr. Watson says that my private and undelivered letter to a Colleague at United College reached the Principal through the mail, in an envelope addressed to the Principal.

Mr. Watson did NOT say that an entirely different account of how my private and undelivered letter came into unauthorized hands was given to postal authorities by a College official. This version is recorded in a letter from postal authorities to me.

2. Mr. Watson says that the envelope the Principal received was postmarked April 1, and the letter presumably arrived on April 1 or April 2. This now becomes the *third* date which has been stated to be the date on which the Principal received my private and undelivered letter to a Colleague.
3. Mr. Watson says that until September 9 "the Board did not have the letter, or any copy or transcript of it before its members. Dr. Lockhart did not release the letter to the Board." Evidence will be presented to the investigating committee of the Canadian Association of University Teachers that some members of the Board were aware of the contents of my private and undelivered letter to a Colleague at the time the Board took action against me on July 2. Moreover, Mr. Watson admits in his statement that the Principal photostated my private and undelivered letter "for the Board".
4. Mr. Watson says that the Principal eventually handed the letter to the person to whom it "presumably" had been addressed. As the salutation read "Dear Viljo" there is no possibility whatever of doubt as to whom this private letter was addressed.
5. Mr. Watson says that a letter which the Principal sent to me (dated April 23) "was the whole substance of Dr. Lockhart's personal rebuke." Mr. Watson did NOT say that the Principal's letter could be interpreted only as a request for my resignation, that the Principal concealed from me the fact that he had photostated my private and undelivered letter, and that the Principal knew at the time he was writing that my original letter had not been delivered to the addressee through the mails. Moreover, Mr. Watson did not include in his statement of "facts" the remarks which the Principal had made against me, and which were based upon my private and undelivered letter, to a full assembly of the faculty. And, Mr. Watson did not reveal that at that meeting of the faculty, a faculty member admitted that he had been shown and had read my private and undelivered letter.
6. Mr. Watson says I "forwarded" a memorandum, dated June 2, to the secretary of the Board of Colleges and Secondary Schools. This is not so. On June 2, I had an interview with Dr. E. E. Long, General Secretary of the United Church, at his request, as the Moderator was in Europe, to discuss the matter which had arisen at the College, and I handed Dr. Long a memorandum of my verbal statement, along with a copy of my original undelivered letter, for his private information, and for that of the Moderator. The Secretary of the Board of Colleges and Secondary Schools was present at the interview, but no document was handed to him.
7. Mr. Watson says that in this memorandum I imputed "improper and false motives" to the Principal. In this memorandum which I am prepared to show to any in-

terested party, I imputed NO motives to the Principal, proper or improper, true or false.

8. Mr. Watson says that this memorandum contains "various mis-statements of fact." Neither I, nor any Colleague who has been it, can detect in this memorandum a single mis-statement of fact.
9. Mr. Watson says that I was informed on July 2 that action had been taken against me. I received no communication from the Board on July 2. I did receive on July 9, a letter from Mr. Watson dated July 4 and postmarked July 7, which terminated my contract and offered me a one-year contract at the same salary as I had received in 1956-57.
10. Mr. Watson says that action was taken against me because of my "expressed attitudes". This reason for the termination of my employment, which was decided at a Board of Regents meeting on July 2, was not divulged to me, and I did not learn it until I was informed that a mimeographed circular letter, dated August 26, had been sent to faculty members and to other people, stating that action had been taken against me because of the "intemperate tone" and "aggressive belligerency" of the manner in which I had protested the unauthorized reading, retention, photostating and use of a private and undelivered letter to a Colleague.
11. Mr. Watson did not produce the evidence to support his charge of "intemperate tone" and "aggressive belligerency" for the understandable reason that it does not exist. The strongest letter which I dispatched to the Board or the Principal, and upon which Mr. Watson's explanation of the action against me in July must stand or fall, was written on June 26, and reads as follows:

(A copy of *Document No. 22* was inserted in the original release at this point)

12. Mr. Watson objects to my interpreting the Board's action of July 2 as the offer of a new contract.
My interpretation of the Board's letter was that it terminated my contract and offered me a new contract. My legal advice is that no other interpretation can be place upon it.
13. Mr. Watson said I was informed that "the Board stood ready to consider granting" me the increase in salary that had been afforded to those of my rank during my absence. The facts are that Mr. Watson's letters to me of July 4 and July 21 suggested that it was most unlikely that I would receive the salary of my rank, and in any case, I had to report for duty at a salary considerably below the salary scale. In his letter of July 21 Mr. Watson said:

"In the normal course the following factors govern salary increments:

- a) teaching proficiency
- b) loyalty to the Institution
- c) measure of co-operation extended in attaining the objectives of the College."

14. Mr. Watson says that on my return to the College on September 2 I refused to accept a year's notice of discontinuance of service. The fact is that I refused to accept a new one-year, low-salary contract.
15. Mr. Watson says that on September 9 the Board of Regents decided on the basis of my private and undelivered letter, the contents of which had been known for many months to some Members of the Board, that I would not be allowed to resume my duties.
This action of the Board was not revealed to me until September 15, a few hours before a meeting of the College Faculty Association, and the reasons for this action were unknown to me until Mr. Watson released them on Saturday to the press.
16. Mr. Watson says the Board offered me "a year's salary in lieu of notice". The fact is the Board offered "compensation", and I requested a year's salary, to which the Board agreed subject to a release from responsibility for their actions, not only for the Board and its chairman, but also for the Principal.
17. Mr. Watson says the Board "feels bound to state that it fails entirely to see in this affair any conceivable connection between its actions with respect to Prof.

Crowe and any concept of academic liberty known to it", because, he suggests, "the public may judge his profession and his institution by his utterances".

My utterance was a private one, and not a public one, in a letter to a friend and colleague, a letter which neither the Principal nor the Board had any right to read, let alone to judge, a letter which was not delivered to the addressee through the mails, a letter which was read, retained, photostated and used against me by the Principal, all without the prior knowledge or consent of either myself or my colleague to whom it was addressed. This, and this alone, is the issue, and to this assault upon my personal liberty I cannot and will not submit.

DOCUMENT NO. 50

Mr. Allan H. Watson,
Chairman, Board of Regents,
650 Harrow Street,
Winnipeg 9, Manitoba.

September 22, 1958.

Dear Mr. Watson:

Principal Lockhart has supplied me with a copy of your letter of September 15 to Professor H. S. Crowe, containing notice of his dismissal from the College teaching staff. As a faculty member and as Chairman of the department of which Professor Crowe was a very valuable member, I must express my deep personal concern about this action.

In private conversation with Principal Lockhart and with you, as well as at the Board meeting of July 2, I have already expressed my doubts about the rightness and the wisdom of action against Professor Crowe. I have refrained, nevertheless, from voicing any formal judgment, since I was several times assured that there was pertinent and essential information about Professor Crowe, not yet revealed, that would affect any such judgment. Now, however, the Board has made a public statement of the reasons for its decision, I must assume that *all* its reasons were given and that the case against Professor Crowe has been fully stated.

I must tell you that it is my considered opinion

- (1) That Principal Lockhart was wrong in reading a private letter which came into his hands as part of an anonymous communication
- (2) That Principal Lockhart was wrong in having this letter photostated in order "to retain a copy for the Board."
- (3) That the Board was wrong when, on the basis of whatever information about the letter it had been given by Principal Lockhart, it decided on July 2 to give Professor Crowe a year's notice and a reduced salary for the year.
- (4) That the Board was wrong when on September 9, after reading the letter in question, it decided to dismiss Professor Crowe "forthwith".

My reasons for holding this opinion are simple ones. Professor Crowe was not dismissed for inefficiency in the performance of his duties. As his department chairman I have already testified to you that he is an extremely capable and conscientious member of my staff. He was dismissed, it is alleged, for holding a particular opinion. That in itself is a decision very difficult for the Board of a liberal arts college to defend. Worse still, the *only* evidence of that opinion ever offered, is evidence which the Board should not have had in its possession.

I have come to the conclusion that, since I hold these opinions, the only honourable course of action for me is to inform you of them fully, formally and publicly. Please do not regard this letter as either private or confidential. I have provided Principal Lockhart with a copy and I shall certainly let my colleagues read it if they care to know my opinion. I respectfully request that it be read at the Board meeting which I understand is to be held tonight.

Yours very sincerely,

J. H. STEWART REID,
Chairman, Department of History.

JHSR/dp

APPENDIX B

DOCUMENTS RELATING TO THE CONSTITUTION AND FUNCTION OF THE COMMITTEE

UNITED COLLEGE
Winnipeg
Manitoba

Office of the Principal

Baysville, Ont.,
August 9th, 1958.

Professor Clarence Barber,
The University of Manitoba,
Winnipeg, Man.

Dear Professor Barber:

Your letter to me of July 31st concerning a request by one of the member associations of the Canadian Association of University Teachers for an inquiry "into the circumstances under which one of your faculty members, Professor H. S. Crowe was recently dismissed from his position" has just reached me here where I am on vacation.

The question of Professor Crowe's relationship to the College has been before the Board of Regents for some time and on July 4th Professor Crowe was informed by letter that he might resume his teaching duties at the College in September. He was also informed that his services would no longer be required by the College after August 31st, 1959. As far as I can gather from what information I have, it appears that Professor Crowe failed to accept the terms offered for the resumption of his duties before the date specified in the letter to him of July 4th and is apparently terminating his relationship with the College as of August 31, 1958.

As I have indicated, this matter is under the direction of the Board of Regents. However, I feel confident that the Board would be willing to meet with any properly constituted committee of the Canadian Association of University Teachers to discuss the facts involved in this situation. As you no doubt are aware, we have within United College a branch of your Association and I think it would be important for the Board to know whether this matter has been before our own Association and whether the request for this investigation came from that quarter or from some other. I am not acquainted with the methods of procedure in your Association when investigations of this type are conducted but I would be concerned if an investigation is requested from some other quarter without clearance with the United College Faculty Association. I would be glad if you could let me know whether this step has been taken and also from what quarter the request for an investigation has come to you.

The Chairman of our Board of Regents is Mr. Alan H. Watson and I would suggest that you might communicate the above information which I have requested to him. If you could send me a copy of your letter it would be appreciated. He has already seen your letter to me. I assure you that you will find him most co-operative in this matter. You may rest assured that we will do everything within our power to co-operate fully with your Association. We only wish to be sure that the investigation is carried out with the knowledge and support of our own section of your organization.

Yours very sincerely,

WILFRED C. LOCKHART,
Principal.

P. O. Box 815,
Winnipeg 1,
Manitoba.
August 20th, 1958.

Professor C. L. Barber,
President, C.A.U.T.,
320 Kingsway Avenue,
Winnipeg 9, Manitoba.

Dear Professor Barber:

I acknowledge receipt of your letter of August 18th. I should like to assure you that the Board of Regents of United College will extend a full measure of co-operation to Professor Fowke and his committee. It is desirable that the investigation should be exhaustive and complete in every detail.

I am at a complete loss to follow your reasoning outlined in the fourth paragraph of your letter. It appears obvious to me that a basic principle is involved. If a member of the faculty of United College and a member of the United College Association claims to have been treated unjustly, the United College Association should be the first to take effective action, if in fact there has been any cause for action.

Surely your reasoning can not be sound when it leads you to the conclusion, in effect, that a request for an enquiry should not properly come from and/or be consented to and supported by the local association. I should think that the local association would be the most interested and active party in seeking an investigation of unjust treatment of a colleague, if in fact, any evidence of unjust treatment exists. Why, indeed, should you have to urge them to action and if there is any cause for action, why should there be internal dissension and a disruption of effectiveness? A reasonable assumption is that, if cause for action exists, such a cause would have the effect of welding the members of the association more closely together, and result in a united front. However, although I feel I must challenge your reasoning this does not detract in any way from the assurance that the Board will co-operate fully with your committee.

You will, of course, appreciate the necessity for your committee being furnished with the proper credentials before commencing the investigation. Specifically we must be informed through the medium of the credentials, the constitutional right of the persons, group and/or Association to order the investigation and assume the moral and legal responsibility for this action, in order that we may know to whom we should look to for redress should this unprecedented, and, in our opinion, totally unwarranted action result in damage to the College of either a temporary or permanent nature.

Yours very truly,

ALLAN H. WATSON,
*Chairman, Board of Regents,
United College.*

AHW :ny

Professor Clarence Barber,
President,
Canadian Association of University Teachers,
University of Manitoba,

11 Lodge Avenue
St. James, Manitoba,
10 September, 1958.

Dear Professor Barber:

I wish this letter to record my request to the Canadian Association of University Teachers to determine the facts of my recent relationship with United College as they bear upon academic freedom and academic tenure, and to take such steps as seem advisable in the light of those facts.

On July 16 when a similar request to the Canadian Association of University Teachers was made by the Executive of the Queen's Faculty Association, I was a member of that association. Although I have returned to Winnipeg, and remain a member of the Canadian Association of University Teachers, I am not at present, and have not been since August 31, 1957, a member of the United College Association.

Yours sincerely,
"H. S. CROWE"

MOTION PASSED AT THE UNITED COLLEGE ASSOCIATION
GENERAL MEETING SEPT. 15, 1958

Released to the Press Sept. 16, 1958

Whereas H. S. Crowe has been a fully accredited member of the teaching faculty of United College for the past eight years,
and whereas the said H. S. Crowe has been a member of the U.C.A. since its inception,

and whereas the U.C.A. is a member in good standing of the C.A.U.T.,

and whereas the U.C.A. unconditionally supports the principles of academic freedom and tenure,

Be it resolved

1) that the Executive and the Executive Council of the C.A.U.T. be informed that the U.C.A. is willing to co-operate in an enquiry by any properly constituted investigating committee into the charge that principles of academic freedom and tenure have been violated in the termination of H. S. Crowe's employment at United College.

2) that the Executive Council of the C.A.U.T. be requested to consider at its November meeting the adoption of the 1940 A.A.U.P. statement of Principles on Academic Freedom and Tenure as a working basis until such time as the C.A.U.T. can create its own statement, and similarly, that the Executive Council consider following the procedural rules for such investigations as worked out by the A.A.U.P. until such time as it can devise its own.

The above is a true copy of the U.C.A. resolution of 15 Sept. '58.

W. A. PACKER,
Secretary.

(This same letter was also sent to Lockhart, Crowe and McNaught)

320 Kingsway Ave.,
Sept. 17, 1958.

Mr. Allan H. Watson,
Chairman, Board of Regents,
United College,
Winnipeg, Manitoba.

Dear Mr. Watson:

This letter will provide you with a formal notification of the fact that the executive officers of the Canadian Association of University Teachers have set up a committee under the chairmanship of Professor V. C. Fowke and have authorised them to make a thorough investigation of the circumstances surrounding the dismissal of Professor Crowe by United College to determinate whether principles of academic freedom and tenure have been infringed. When they have completed their investigations the committee will report their findings to the executive council of C.A.U.T.

The committee is made up of the following three people:

Professor Vernon C. Fowke, University of Saskatchewan;
Professor Martin Johns, McMaster University;
Professor Bora Laskin, University of Toronto.

Action by C.A.U.T. on behalf of Professor Crowe was originally requested by the local Faculty Association at Queen's University, the association of which Professor Crowe was a member during the past academic year. As a member of C.A.U.T.,

Professor Crowe has also formally asked the Canadian Association of University Teachers to investigate this matter on his behalf and has agreed to accept the findings of Professor Fowke's committee.

We have informed the members of our executive council of the action we have taken and invited an expression of their approval or disapproval. All executive council members who have replied to date have expressed complete approval of the action we have taken.

The matter is now entirely in the hands of the committee and you can expect to hear from them directly in the very near future.

Yours very truly,

CLARANCE L. BARBER,
President, C.A.U.T.

CANADIAN ASSOCIATION OF UNIVERSITY TEACHERS
University of Saskatchewan
Saskatoon, Sask.

Mr. Allan H. Watson,
Chairman, Board of Regents,
United College,
Winnipeg, Manitoba.

September 19, 1958

Dear Mr. Watson:

By yesterday's mail I received a copy of Professor Barber's letter, dated September 17, advising you of the appointment of a committee by the executive officers of the Canadian Association of University Teachers, to investigate the circumstances surrounding the dismissal of Professor Crowe by United College.

I understand that you have assured Professor Barber that the Board of Regents will cooperate fully in this investigation. This assurance is very much appreciated by the committee because we realize that only with the fullest cooperation of all concerned will a complete and impartial discovery and examination of the facts be possible.

I shall be writing to you again shortly to indicate how we propose to proceed with our assignment.

Yours very truly,

V. C. FOWKE,
Professor of Economics

VCF/rg

(Similar letter sent to Principal Lockhart and Professor Crowe)

CANADIAN ASSOCIATION OF UNIVERSITY TEACHERS
University of Saskatchewan
Saskatoon, Sask.

Mr. Allan H. Watson,
Chairman, Board of Regents,
United College,
P. O. Box 815,
Winnipeg, Manitoba.

September 22, 1958

Dear Mr. Watson:

Further to my letter of September 19, I can say that the committee proposes to rely largely on personal interviews in attempting to arrive at the truth concerning the dismissal of Professor Crowe.

There are, however, a number of primary documents which bear on the case and some at least of these have been made available to the committee. It is of the utmost importance that no essential item be overlooked. I am therefore forwarding herewith copies of the primary documents now in the possession of the committee and would ask that you be so good as to notify me of any errors and to make good any omissions which appear to you.

I am forwarding copies of these documents to Principal Lockhart and Professor Crowe with the same request.

I shall be in touch with you in the near future with a view to establishing a mutually satisfactory date for our personal meeting and interview.

Yours sincerely,

V. C. FOWKE,
Professor of Economics

VCF/rg
Encl.

CANADIAN ASSOCIATION OF UNIVERSITY TEACHERS
University of Saskatchewan
Saskatoon, Sask.

Special Delivery

Mr. Allan H. Watson,
Chairman, Board of Regents,
United College,
P. O. Box 815,
Winnipeg, Manitoba.

September 26, 1958

Dear Mr. Watson:

I regret to say that I have received no acknowledgement of my letters of September 19 and 22.

However, the committee feels that undue delay is to be avoided in proceeding with its investigations and is increasingly convinced that discovery of the truth will require the full cooperation of all parties in personal, on-the-spot interviews.

I have the assurance of the other committee members that they could meet with me in Winnipeg on Monday, October 6, to begin our inquiries. It is our hope that representatives of the Board of Regents would find it convenient to receive us on that date or within a day or two thereafter. If this proposal does not meet with your convenience I should appreciate it greatly if you would suggest an alternative date as close thereafter as possible.

We shall, of course, have to interview Principal Lockhart and Professor Crowe while in Winnipeg and I am writing them by today's mail with the same suggestion regarding dates. We anticipate that we shall require about half a day with each of the major parties, that is, the Board of Regents, Principal Lockhart and Professor Crowe.

There will, in all probability, be other persons whom it would be desirable to interview, and for a start in the extension of our list of contacts we will rely on suggestions from yourself, Principal Lockhart and Professor Crowe.

I hope that in the near future you will find it possible to indicate any errors or omissions which appear to you in the examination of the basic documents, as forwarded to you by Registered Air Mail on September 22.

I should greatly appreciate an early acknowledgement and reply.

Yours sincerely,

V. C. FOWKE,
Professor of Economics

VCF/rg
cc Professor Johns
Professor Laskin

CANADIAN ASSOCIATION OF UNIVERSITY TEACHERS
University of Saskatchewan
Saskatoon, Sask.

Special Delivery

September 26, 1958

Dr. W. C. Lockhart,
Principal, United College,
Winnipeg, Manitoba.

Dear Dr. Lockhart:

The committee appointed by the Canadian Association of University Teachers to investigate the dismissal of Professor Crowe, wishes to avoid undue delay in proceeding with its task.

I have the assurance of the other committee members that they can meet with me in Winnipeg on Monday, October 6, to begin our inquiries, and I am writing to Mr. Watson in the hope that representatives of the Board of Regents can receive us on that date or within a day or two thereafter. We will, of course, wish to interview Professor Crowe as well and I shall keep him informed about any arrangement of dates.

The committee will welcome suggestions from yourself, Mr. Watson and Professor Crowe, of additional persons whom it would be helpful to interview.

I should appreciate hearing either directly, or by way of Mr. Watson, whether you could be available to receive the committee at the time suggested, or at another time suitable also to the representatives of the Board of Regents.

Yours sincerely,

V. C. FOWKE,
Professor of Economics

VCF/rg
cc Professor Johns
Professor Laskin

CANADIAN ASSOCIATION OF UNIVERSITY TEACHERS
University of Saskatchewan
Saskatoon, Sask.

Special Delivery

September 26, 1958

Professor H. S. Crowe,
11 Lodge Avenue,
St. James, Manitoba.

Dear Professor Crowe:

I am writing to Mr. Watson and Principal Lockhart today to ask if it would be possible for the committee of investigation to interview them on Monday, October 6, or within a day or two thereafter. I shall, of course, let you know their replies regarding dates and would hope that we might interview you on the same trip to Winnipeg.

I am also indicating to Mr. Watson and Principal Lockhart that the committee will entertain suggestions from them and from you of additional persons whom it would be useful for the committee to interview.

Yours sincerely,

V. C. FOWKE,
Professor of Economics

VCF/rg
cc Professor Johns
Professor Laskin

Professor V. C. Fowke,
c/o Chateau Laurier,
Ottawa, Ontario,

October 1, 1958.

Dear Professor Fowke:

I have received your letters to me of September 19th, 22nd and 26th.

I wired you last evening as follows:

"Regret unavoidable delay in answering your letter STOP Representatives of Board of Regents will receive you on October 6th Writing."

The position of the Board of Regents of United College, in respect of the inquiry by The Canadian Association of University Teachers is set forth in my letter of August 20th to Professor Barber, a copy of which is enclosed. You will note the following statement I made in that letter:

"You will, of course, appreciate the necessity for your committee being furnished with the proper credentials before commencing the investigation. Specifically we must be informed through the medium of the credentials, the constitutional right of the persons, group and/or Association to order the investigation and assume the moral and legal responsibility for this action, in order that we may know to whom we should look to for redress should this unprecedented, and, in our opinion, totally unwarranted action result in damage to the College of either a temporary or permanent nature."

In the letter dated August 22nd which Professor Barber wrote to me he stated:

"I shall undertake to see that the committee is furnished with proper credentials."

Reference to the furnishing of credentials was made in subsequent correspondence between Professor Barber and myself, but no credentials have yet been received.

The position of the Board of Regents in respect of the committee, of which you are Chairman, is as follows:

1. Representatives of the Board will receive the committee, and will appear before it and participate in its activities, as the Board considers that if the committee carries out a fair and objective inquiry, it can make a useful and worthwhile contribution in the present situation.
2. The Board in this letter raises questions as to procedure for the consideration of the committee, and reserves the right to raise additional such questions.
3. The Board will not at this stage agree to accept or be bound by the findings of the committee.
4. Since the legal rights of individuals are involved, for example, without limitation, the rights of the persons named in Professor Crowe's letter of March 14th to take legal proceedings for defamation of character, the Board of Regents and Dr. Lockhart hereby specifically reserve their legal right to take such actions as they may deem advisable in respect of the proceedings before and findings of the committee. The Board and Dr. Lockhart also wish to make it clear that any previous communications they have had with yourself, or with officers or representatives of The Canadian Association of University Teachers, are not to be construed in any way as constituting any waiver of their legal rights.
5. The Board and Dr. Lockhart will not be responsible for any costs incurred in respect of the inquiry by your committee, except such costs as they specifically authorize.

Subject to the foregoing, the Board of Regents respectfully make the following submissions to you and your committee.

1. The Board asks that the committee deal with the request for credentials set forth in my letter of August 20th to Professor Barber.

2. Enclosed herewith are copies of documents as listed on the attached memorandum A, which we consider to be relevant and pertinent to your inquiry and which are in addition to the documents forwarded with your letter to me of September 22nd. The Board reserves the right to submit additional documents for consideration by the committee.
3. Enclosed herewith is memorandum B setting forth a list of documents which we consider should be placed before the committee. Copies of these documents are not enclosed as they are not available to the Board.
4. In view of the wide spread publicity already given to this matter, the Board suggests that a policy be adopted in respect of publicity on the principle that the work of the committee should be carried on with a minimum of publicity and unaffected by it. Such a policy will necessitate decision as to whether hearings by the committee are to be opened to other than the interested parties.
5. That the terms of reference of the committee and its purpose be clearly defined, and also that the principal parties be informed at the outset of the inquiry as to the limits within which action will be taken by the committee, and the possible nature of such action.
6. That the principal parties concerned, namely, The United Church of Canada, United College and its Board of Regents, Principal Lockhart and Professor Crowe, shall be entitled to be present at all times when persons appear before the committee, and that such parties shall be entitled to be represented by counsel, who shall be permitted to question such persons.
7. That a satisfactory record be maintained of all proceedings before the committee.
8. That insofar as possible the committee conduct its proceedings elsewhere than at United College.

I understand from the telephone conversation I had with you on September 30th, that you will communicate with me on your arrival in Winnipeg.

Yours sincerely,

ALLAN H. WATSON,
Chairman of the Board of Regents.

MEMORANDUM "A"

The following documents are furnished for the information of the committee, and the Board of Regents and Dr. Lockhart reserve the right not to be bound by them, except insofar as they may consent to be so bound.

1. Photostatic copy of letter dated August 20, 1958, from Allan H. Watson to Professor C. L. Barber.
2. Photostatic copy of letter dated June 17, 1958, to Professor H. S. Crowe by H. R. Yorke, District Director of the Winnipeg Post Office.

MEMORANDUM "B"

1. Copies of relevant communications Professor Crowe has had with The Canadian Association of University Teachers, including his formal request for an investigation and his agreement to accept the findings of Professor Fowke's committee.
2. All relevant correspondence which The Canadian Association of University Teachers has had in connection with the matter, including correspondence of its branches and their officers at Queen's University and United College.

MEMORANDUM RE UNITED COLLEGE AND PROFESSOR CROWE

*Certain requirements of United College in respect
of the credentials of the Committee of The Canadian
Association of University Teachers.*

1. Copies certified in writing by the respective Secretaries of the following:
 - (a) Constitution, Bylaws and relevant resolutions of The Canadian Association of University Teachers.
 - (b) Constitution, Bylaws and relevant resolutions of the Queen's Faculty Association.
 - (c) Constitution, Bylaws and relevant resolutions of The United College Association.
2. A list certified in writing by the Secretary of The Canadian Association of University Teachers of:
 - (a) The names and addresses of the Officers of the Association.
 - (b) The names and addresses of the members of the Executive Council of the Association.
3. Copy of the latest financial statement of The Canadian Association of University Teachers.
4. Copies of the complete correspondence between the President of The Canadian Association of University Teachers and the Queen's Faculty Association and the United College Association in respect of the setting up of the Committee under the Chairmanship of Professor Fowke.
5. Copy certified in writing by the Secretary of The Canadian Association of University Teachers of the resolution in respect of Academic Freedom and Tenure passed at the Executive Council Meeting held in Edmonton June 9 - 10, 1958.
6. A written statement by Professor Fowke and his Committee as to any principles or procedure agreed upon with the National Conference of Canadian Universities regarding investigations as to Academic Freedom and Tenure and in the absence thereof a statement by all the members of the Committee setting forth their views as to the propriety of the Committee undertaking the proposed investigation which would affect directly a member of NCCU.
7. A written statement by the Committee of its terms of reference and purpose. In this respect Section 25(b) of the United College Act (S.M. 1938, c. 80) is to be noted as follows:

"25. Without thereby limiting the general powers by this Act conferred upon or vested in the Board, it is hereby declared that the Board shall have the following powers:

 - (a)
 - (b) To appoint the Principal (who shall be the chief executive officer), the registrar, the bursar, the librarian, all heads of faculties and heads of the different departments under the faculties and all professors and lecturers of and in the college, and all such officers, clerks, employees and servants as the Board may deem necessary, and to fix their salaries or remuneration, and to define their duties and their tenure of office or employment which, unless otherwise provided, shall be during the pleasure of the Board. S.M. 1919, c. 131, s.18(b)am.."
8. A written statement by the Committee as to the limits within which action will be taken by it and by The Canadian Association of University Teachers, and the possible nature of such action.
9. An affidavit by each member of the Committee that he has not personally acted on behalf of or advised any of the interested parties, and is completely impartial and unbiased in the matter.

Professor V. C. Fowke,
Fort Garry Hotel,
Winnipeg, Manitoba.

October 6, 1958.

Dear Professor Fowke:

Re: United College and Professor Crowe.

Last evening Dr. Lockhart and representatives of United College learned for the first time that Professor Johns has resigned as a member of the Committee which has been appointed by the Canadian Association of University Teachers to inquire into this matter.

This information, coming as it did on the day prior to the day appointed by you for the commencement of the inquiry, raises very serious questions as to whether the Committee, consisting as it now does of two members, is properly constituted to conduct the proposed inquiry. Also, another effect of Professor Johns' resignation is to alter the basis upon which, on behalf of the Board of Regents of United College, I previously corresponded with Professor Barber and with you regarding the activities of the Committee.

In these circumstances, and on behalf of the Board of Regents, I am writing to inform you that the Board of Regents and Dr. Lockhart reserve fully the right not to proceed with, appear before, or participate in the proposed inquiry until they are satisfied that the Committee is properly constituted, and until the Committee, as so constituted, gives the assurances which we have repeatedly requested in order to ensure a fair and objective inquiry.

Until you are notified in writing to the contrary, please treat this letter as notice that the Board of Regents and Dr. Lockhart fully reserve all their rights to take such action as they deem advisable in respect of the proceedings before and findings of the Committee. Any discussions with you and the Committee on behalf of United College and Dr. Lockhart are to be regarded as exploratory and conditional only, and entirely without prejudice to the above mentioned reservation of rights.

Yours very truly,

ALLAN H. WATSON,
Chairman of the Board of Regents.

October 7, 1958.

To: Professor Barber,
President,
The Canadian Association of University Teachers,
and

To: Professor Fowke and Professor Laskin, being two of the
members of a Committee appointed by The Canadian
Association of University Teachers.

On the evening of Sunday, October 5, you informed representatives of the Board of Regents of United College for the first time that Professor Johns had been discontinued as a member of the Committee appointed by The Canadian Association of University Teachers.

We understand Professor Fowke was aware of Professor Johns position on Tuesday, September 30.

When representatives of United College and Dr. Lockhart met with you on October 6, the day appointed for the first meeting of the Committee, you stated that The Canadian Association of University Teachers had, upon the decision only of its three executive officers resident in Winnipeg, authorized the two remaining members to act as the Committee.

As we informed you at the commencement of the meeting on October 6, the discontinuation of Professor Johns as a member of the Committee raises a very serious question as to whether the Committee, consisting as it now does of two members only,

is properly constituted. We also stated that a two-man Committee alters the basis upon which we have corresponded with you since July.

A two-man Committee would be impractical as in the event of disagreement there would be no decision.

In the discussion with you on October 6, it became evident that there were divergencies between your views and the views we had presented to you.

1. The two-man Committee stated that no questioning of one party by representatives of another would be permitted, except through and with the consent of the two-man Committee itself.
2. The Canadian Association of University Teachers had ruled and the Committee proposed that the two-man Committee proceed with the inquiry.

Since the Canadian Association of University Teachers have taken positive action to have the enquiry conducted by a two-man Committee, without notice to us, notwithstanding that Professor Fowke had notice of Professor Johns position when Mr. Watson spoke to Professor Fowke by long distance telephone on September 30, the authorized representatives of the Board of Regents, having reviewed the situation in the light of this and other developments since this Committee was first proposed has decided that the Board can not participate in the activities of the presently constituted Committee of The Canadian Association of University Teachers or any enlargement of the Committee consisting solely of members or appointees of The Canadian Association of University Teachers.

Notwithstanding the above, the Board of Regents reaffirms its willingness to co-operate with any properly constituted Committee and also its desire to have a full disclosure made of all the relevant facts in this unfortunate situation.

Accordingly, on behalf of the Board of Regents, we are authorized to propose the following:

1. That a Committee be constituted consisting of:
 - (a) Two appointees of The Canadian Association of University Teachers;
 - (b) Two appointees of the Board of Regents, who, having regard to the public interest expressed locally may be residents of Manitoba;
 - (c) One additional member to be appointed by the four first mentioned appointees and who will act as Chairman.
2. That the Board of Regents hereby names as one of its appointees, Mr. D. A. Thompson, Q.C., who has consented to act. Mr. Thompson is:
 - (a) Senior partner of the law firm of Thompson, Dilts, Jones, Hall and Dewar;
 - (b) Member of the Manitoba Hydro Electric Board;
 - (c) Past President of Boy Scouts Association;
 - (d) Member of Board of St. Johns College;
 - (e) Chairman of Board Misericordia Hospital.

The Board will be prepared shortly to name as its second appointee an outstanding citizen of Winnipeg.

3. That the terms of reference of the proposed five-man Committee shall be:

"To enquire into the circumstances surrounding the termination by United College of the services of Professor Crowe and the extent to which, if at all, such circumstances affect academic freedom and security of tenure. The Committee will at its discretion be free to consider and report upon any other matters relevant to the situation."
4. That the Committee be empowered to determine its own rules of procedure.
5. That the Committee shall make public its findings.

As the proposed enquiry in this matter is apparently unprecedented in Canada, we consider that our position, as outlined above, provides to all interested parties a fair and reasonable basis upon which an objective and impartial consideration of all the circumstances in the matter can be made.

Yours very truly,

ALLAN H. WATSON,
Chairman, Board of Regents.

CANADIAN NATIONAL TELEGRAPHS

Mr. Allan H. Watson,
Chairman, Board of Regents,
United College,
Winnipeg, Man.

Fort Garry Hotel, Oct. 7, 1958.

Following this morning's proceedings and upon full consideration of the matters raised at that time I consider it proper to advise you that the committee appointed by the Canadian Association of University Teachers and consisting of Professor Fowke, Chairman, and Professor Laskin is proceeding with its investigation and would be pleased to have you appear and offer evidence in accordance with your original undertaking to cooperate in the investigation. Proceedings are continuing this afternoon and tomorrow and longer if necessary.

V. C. FOWKE.

(Similar telegram sent to Principal Lockhart.)

CANADIAN PACIFIC TELEGRAM

Professor V. C. Fowke,
Fort Garry Hotel,
Winnipeg, Man.

Winnipeg, Manitoba, October 7, 1958

I have received your telegram of October seven stop You and Professor Laskin were informed fully at the meeting on October seven of the position of the Board of Regents which in summary is as follows The Board considers you and Professor Laskin are not a properly constituted committee and are not acting in accordance with our original understanding stop The Board considers your refusal to permit questioning of witnesses by interested parties is unacceptable stop The Board considers its proposal of a balanced and representative tribunal of five men provides the fair and proper method of conducting the inquiry stop we are at a loss to understand why the Canadian Association of University Teachers cannot agree to increase the committee to five members when it had no difficulty in reducing the number of members to two.

ALLAN H. WATSON.

12:00 a.m.

CANADIAN PACIFIC TELEGRAM

Professor V. C. Fowke,
Fort Garry Hotel,
Winnipeg, Man.

Winnipeg, Manitoba, October 7, 1958

I have received your telegram stop I stated in my letter of August nine that the matter of the proposed investigations is under the direction of the Board of Regents stop I have therefore necessarily referred your telegram to representatives of the Board stop I am instructed to decline the invitation extended in your telegram to me stop I personally believe the Board's proposal of a balanced and representative tribunal of five men provides the fair and proper method of conducting the inquiry.

WILFRED C. LOCKHART

CANADIAN ASSOCIATION OF UNIVERSITY TEACHERS

Re: United College and Professor Crowe

- Item 7. The Committee understands its terms of reference as encompassing an investigation of the circumstances and grounds on which Professor Crowe was dismissed and the extent to which, if at all, the dismissal affects academic freedom and security of tenure.
- Item 8. The only action envisaged by the Committee is to make the investigation under the terms of reference as defined above and to report to the Canadian Association of University Teachers.

Winnipeg, Manitoba,
October 6, 1958.

V. C. FOWKE

BORA LASKIN

(The item numbers refer to the items similarly numbered in the United College memorandum of requirements.)

IN THE MATTER OF A PENDING INVESTIGATION INTO THE DISMISSAL OF PROFESSOR H. S. CROWE BY UNITED COLLEGE, WINNIPEG, MANITOBA:

I, VERNON C. FOWKE, Professor, of the City of Saskatoon, in the Province of Saskatchewan, do solemnly declare that:

1. I am a member and Chairman of the Committee appointed by the Canadian Association of University Teachers to enquire into the dismissal of Professor H. S. Crowe by United College.
2. I have not, prior to nor since my appointment as a member of the Committee, acted on behalf of or advised any of the interested parties in any way which would affect my impartiality in the conduct of the investigation.
2. I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath, and by virtue of the Canada Evidence Act.

DECLARED before me at Winnipeg, Manitoba, this 6th day of October, 1958.

} _____
"VERNON C. FOWKE"

"GORDON C. HALL"

A Barrister-at-Law entitled to practise in the Province of Manitoba.

IN THE MATTER OF A PENDING INVESTIGATION INTO THE DISMISSAL OF PROFESSOR H. S. CROWE BY UNITED COLLEGE, WINNIPEG, MANITOBA:

I, BORA LASKIN, Professor, of the City of Toronto, in the Province of Ontario, do solemnly declare that:

1. I am a member of the Committee appointed by the Canadian Association of University Teachers to enquire into the dismissal of Professor H. S. Crowe by United College.
2. I have not, prior to nor since my appointment as a member of the Committee, acted on behalf of or advised any of the interested parties in any way which would affect my impartiality in the conduct of the investigation.
3. I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath, and by virtue of the Canada Evidence Act.

DECLARED before me at Winnipeg, Manitoba, this 6th day of October, 1958.

“BORA LASKIN”

“GORDON C. HALL”

A Barrister-at-Law entitled to practise in the Province of Manitoba.

I have in the past expressed my views of the unconstitutionality and lack of propriety of the C.A.U.T. intervening in this particular matter which I have held is not concerned with issues of academic liberty. I have observed the developments incidental to the setting up of the committee from the time of its inception, and I have been made aware of the persons who have been present at the hearings of this committee to date. As a member of the C.A.U.T. I have felt an obligation to it and I wish it well in the future as an association concerned with my interests and the interests of scholars in Canada. I had to conclude regretfully that this committee does not meet my personal requirements as properly constituted and I must therefore decline to appear before it.

G. BLAKE.

(Statement dictated by Professor Blake to Professor Fowke in the evening of October 7, 1958, when he declined to appear before the Committee.)

APPENDIX C

WITNESSES

1. Professor Harry S. Crowe
2. Professor J. H. Stewart Reid
3. Professor W. A. Packer
4. Professor R. M. Stingle
5. Professor K. W. McNaught
6. Mr. Joseph Martin
7. Colonel J. E. Wilson, Q.C.
8. Alderman D. Orlikow, M.L.A.
9. Miss E. F. Morrison
10. Miss Peggy J. Morrison
11. Mr. David Young

Persons who verified documents before the Committee without also giving evidence were Professor Clarence L. Barber and Professor W. E. C. Harrison.

APPENDIX D

STATEMENT OF PRINCIPLES ON ACADEMIC FREEDOM AND TENURE

1940 STATEMENT OF PRINCIPLES ENDORSED BY THE
AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS
AND THE ASSOCIATION OF AMERICAN COLLEGES

The purpose of this statement is to promote public understanding and support of academic freedom and tenure and agreement upon procedures to assure them in colleges and universities. Institutions of higher education are conducted for the common good and not to further the interest of either the individual teacher or the institution as a whole. The common good depends upon the free search for truth and its free exposition.

Academic freedom is essential to these purposes and applies to both teaching and research. Freedom in research is fundamental to the advancement of truth. Academic freedom in its teaching aspect is fundamental for the protection of the rights of the teacher in teaching and of the student to freedom in learning. It carries with it duties correlative with rights.

Tenure is a means to certain ends; specifically: (1) Freedom of teaching and research and of extramural activities, and (2) A sufficient degree of economic security to make the profession attractive to men and women of ability. Freedom and economic security, hence tenure, are indispensable to the success of an institution in fulfilling its obligations to its students and to society.

Academic Freedom

(a) The teacher is entitled to full freedom in research and in the publication of the results, subject to the adequate performance of his other academic duties; but research for pecuniary return should be based upon an understanding with the authorities of the institution.

(b) The teacher is entitled to freedom in the classroom in discussing his subject, but he should be careful not to introduce into his teaching controversial matter which has no relation to his subject. Limitations of academic freedom because of religious or other aims of the institution should be clearly stated in writing at the time of the appointment.

(c) The college or university teacher is a citizen, a member of a learned profession, and an officer of an educational institution. When he speaks or writes as a citizen, he should be free from institutional censorship or discipline, but his special position in the community imposes special obligations. As a man of learning and an educational officer, he should remember that the public may judge his profession and his institution by his utterances. Hence he should at all times be accurate, should exercise appropriate restraint, should show respect for the opinions of others, and should make every effort to indicate that he is not an institutional spokesman.

Academic Tenure

(a) After the expiration of a probationary period teachers or investigators should have permanent or continuous tenure, and their services should be terminated only for adequate cause, except in the case of retirement for age, or under extraordinary circumstances because of financial exigencies.

In the interpretation of this principle it is understood that the following represents acceptable academic practice;

(1) The precise terms and conditions of every appointment should be stated in writing and be in the possession of both institution and teacher before the appointment is consummated.

(2) Beginning with appointment to the rank of full-time instructor or a higher rank, the probationary period should not exceed seven years, including within this period full-time service in all institutions of higher education; but subject to the proviso that when, after a term of probationary service of more than three years in one or more institutions, a teacher is called to another institution it may be agreed in writing that his new appointment is for a probationary period of not more than four years, even though thereby the person's total probationary period in the academic profession is extended beyond the normal maximum of seven years. Notice should be given at least one year prior to the expiration of the probationary period if the teacher is not to be continued in service after the expiration of that period.

(3) During the probationary period a teacher should have the academic freedom that all other members of the faculty have.

(4) Termination for cause of a continuous appointment, or the dismissal for cause of a teacher previous to the expiration of a term appointment, should, if possible, be considered by both a faculty committee and the governing board of the institution. In all cases where the facts are in dispute, the accused teacher should be informed before the hearing in writing of the charges against him and should have the opportunity to be heard in his own defense by all bodies that pass judgment upon his case. He should be permitted to have with him an adviser of his own choosing who may act as counsel. There should be a full stenographic record of the hearing available to the parties concerned. In the hearing of charges of incompetence the testimony should include that of teachers and other scholars, either from his own or from other institutions. Teachers on continuous appointment who are dismissed for reasons not involving moral turpitude should receive their salaries for at least a year from the date of notification of dismissal whether or not they are continued in their duties at the institution.

(5) Termination of a continuous appointment because of financial exigency should be demonstrably bona fide.

C.A.U.T. MEMBER ASSOCIATIONS

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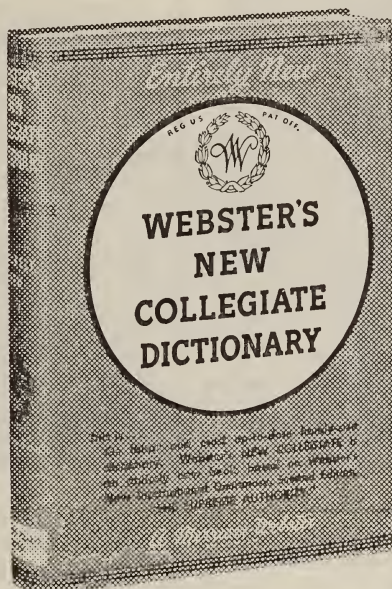
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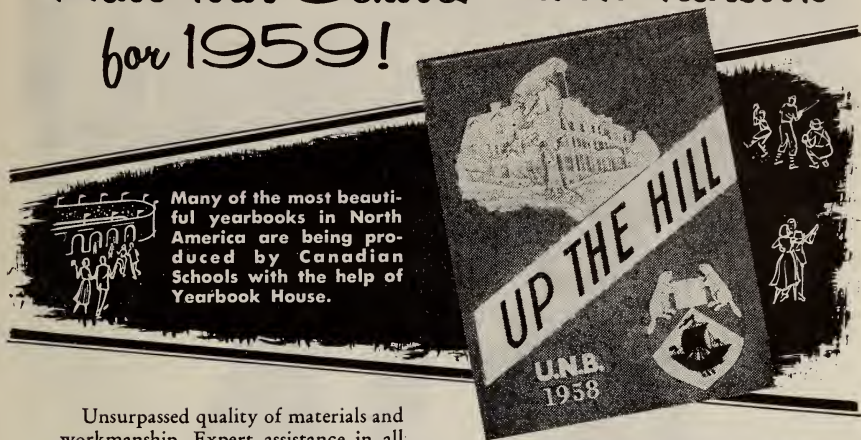
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